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CITY OF HAMILTON

OFFICIAL PLAN

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City of Hamilton Official Plan



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CITY OF HAMILTON OFFICIAL PLAN

Prepared by:
PLANNING AND DEVELOPMENT DEPARTMENT
of the Regional Municipality of Hamilton-Wentworth

MARCH, 1980.

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PART ONE — INTRODUCTION

A — Purpose of the Plan

B — Basis of the Plan

C — Assumptions

D — Plan Preparation, Format
and Interpretation

A. Purpose of the Plan

The Official Plan for the City of Hamilton is a comprehensive guide to co-ordinate public and private actions in an orderly manner by defining future relationships among land uses and municipal services. In particular, the Official Plan:

- expresses long-term intentions on the nature and extent of growth and the protection of the natural and man-made resources through a land use and management strategy for Hamilton to the year 2001;*
- provides the terms of reference for public works and private initiatives, and functions as a standard against which the City evaluates the appropriateness of such initiatives in relation to the land use and management strategy;*
- functions as an intermediary between the broad concepts of the Regional Municipality of Hamilton-Wentworth Official Plan (hereinafter referred to as the "Regional Official Plan"), the intentions of the Niagara Escarpment Plan and the Parkway Belt West Plan, local conditions and municipal objectives; and,*
- defines the means for implementing municipal planning intentions by such measures as special studies, secondary plans and zoning by-laws.*

B. Basis of the Plan

The basis for the preparation of the new Official Plan for the City of Hamilton is founded in the following factors:

- The original Official Plan was approved by the Minister of Planning and Development on June 12th, 1951. Given its relative simplicity, consisting of a land use map and an accompanying page of text, as well as the spatial growth of the City due to annexations, the Plan was subsequently amended over three hundred times. Except for the more recent major land use amendments, few of these amendments introduced policy applicable throughout the City. This has made the Plan complex and administratively difficult to interpret.

Accordingly, a new Plan is required which establishes comprehensive policy direction applicable throughout the City and is at a level of detail which would reduce the frequency of amendments experienced in the past. In addition, a framework is required which could be amended when warranted, in a uniform manner, without jeopardizing the general intentions of the Plan.

- Various changes to The Planning Act and the advent of other planning-related legislation in recent years has warranted a Plan which enables municipal decision-makers to effectively utilize all planning powers bestowed to them in the growth and management of Hamilton.
- The regulations and policies of such supra-regional agencies as the Niagara Escarpment Commission, the Conservation Authorities and the Parkway Belt West Plan, who have jurisdiction within the City, have necessitated a Plan which adapts their policies to local planning intentions.
- A number of planning-related studies have been initiated on behalf of the City, whose findings have significant implications on the growth and management of Hamilton. This has necessitated a Plan which incorporates the recommendations of the various secondary planning (neighbourhood) studies, the Central Area Plan, the Commercial Plan policies, the Transportation Plan policies, among others, within the general planning intentions of the City.
- Subsequent to the formation of the Regional Municipality of Hamilton-Wentworth in 1974 (hereinafter referred to as the "Region"), a Regional

Official Plan has been prepared which provides broad policy and growth direction for the area municipalities. As such, a Plan for Hamilton is required which brings municipal policies into conformity with the intentions of the Regional Official Plan.

- The changing demographic trends witnessed in recent years (i.e., the aging of the post-war baby boom and growth in the prominence of non-family households) were not envisaged some thirty years ago in the preparation of the existing Official Plan. As a result, there is now a need to incorporate the implications of these changes in a new Plan for Hamilton.

C. Assumptions

The Official Plan for the City of Hamilton is based on a number of assumptions which set the framework for policy by defining the anticipated function and character of the City, as well as the rate and configuration of growth during the operation of the Plan. Specifically, the Plan is based on the following assumptions:

- The City of Hamilton will continue as the major urban community within, and an integral component of, the Region. It is anticipated that the City will function as the primary centre for employment, shopping and residences serving the Region.
- The City will be able to accommodate a population in the order of 386,000 persons by the year 2001.
- The majority of anticipated growth will occur on the Mountain, commensurate with the provisions of engineering and community services, although redevelopment will occur to some extent in the older lower portion of the City. It is anticipated that growth and redevelopment will be at a scale and density that is energy efficient and is sensitively integrated with the established urban pattern.

D. Plan Preparation, Format and Interpretation

In 1975, a planning program was initiated to prepare a new Official Plan for the City of Hamilton. This program began by detailed analyses of various land uses and the formulation of appropriate policies consisting of:

*Open Space Plan (1977);
Industrial Plan (1978);
Residential Plan (1978);
Commercial Plan (1979); and,
Transportation Plan (1979).*

The last element in this program was to consolidate these various elements, in addition to providing policy direction on other associated areas of concern such as general growth and management, engineering services, amenity and design, and implementation.

The end result of this exercise has been the preparation of a comprehensive Plan for the City of Hamilton.

The Official Plan is organized in the following manner:

- Part One - *'Introduction' - details the basis and assumptions underlying the Plan.*
- Part Two - *'The Plan' - is set out in four sections. Each section is introduced by paragraphs of explanation in italics, followed by numbered Policy statements and related Schedules. The Policy statements and Schedules will govern through the authority of The Planning Act where it states that no public works shall be undertaken or no by-laws passed that do not conform to the Plan, and accordingly, will require the approval of the Minister of Housing.*

The paragraphs of explanation are provided only to assist in the interpretation of the Policy statements and help to clarify the general intent of the Plan. Accordingly, they will not require ministerial approval.

In the case of a discrepancy between the Policy statements and related Schedules, the policies will supersede. A change to the policy statements will require an amendment to the Plan.

- Part Three - *Appendices - summarize the findings of the various studies undertaken in the preparation of the Plan and are documented under separate cover.*

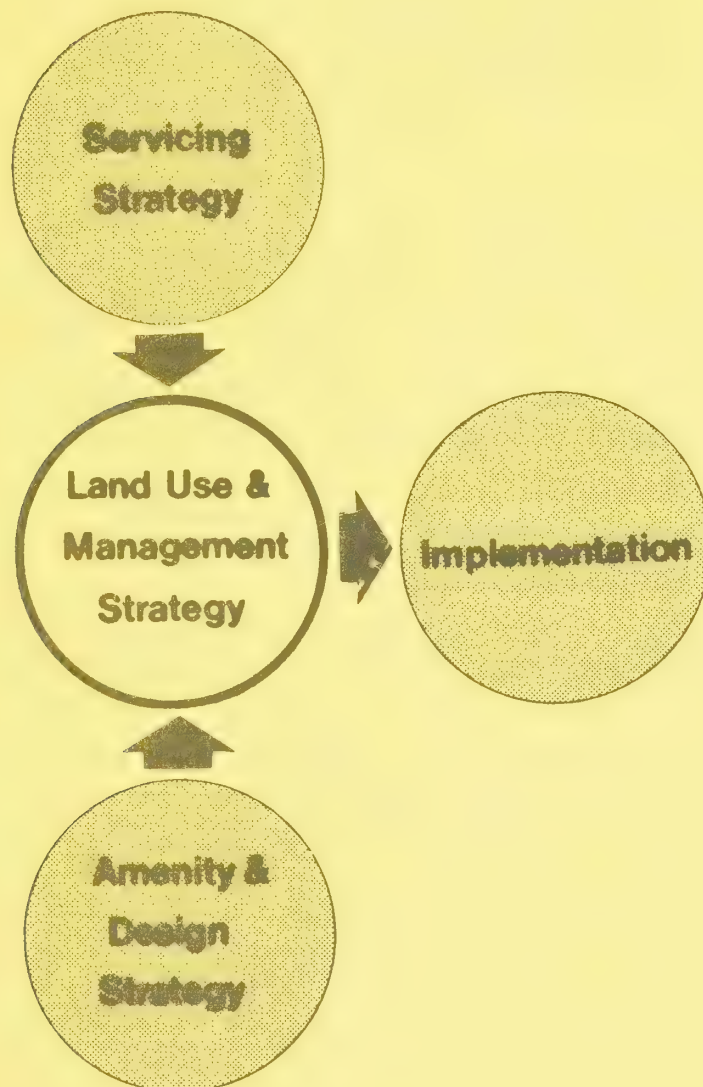
PART TWO — THE PLAN

- Section A — Land Use and Management Strategy
- Section B — Servicing Strategy
- Section C — Amenity and Design Strategy
- Section D — Implementation

SectionA: Land Use and Management Strategy

In keeping with the general intentions of the Regional Official Plan, the findings of the various projections, background studies and analyses undertaken in the preparation of this Plan, a LAND USE AND MANAGEMENT STRATEGY has been devised to guide the nature and physical extent of anticipated growth in Hamilton to the year 2001. This STRATEGY:

- expresses population and employment assumptions for growth; and,*
- prescribes an attainable Land Use Concept.*



SUBSECTION A.1 - ANTICIPATED GROWTH

The Regional Official Plan anticipates that the Region may reach a population of approximately 550,000 persons by the year 2001, and has allocated a population figure of 386,000 to the City of Hamilton. It is the intent of this Plan that population be distributed equitably in relation to the established development pattern and capacity of existing and future services.

It is also anticipated in the Regional Official Plan that in the future, a greater portion of the City's population will be in the working age group (14 to 65). Indications are that there will also be more women in the work force. Given these two factors, it is anticipated that Hamilton may reach a work force of 233,500 by the year 2001. Accordingly, every measure is taken in the subsequent sections of this Plan to accommodate these figures.

- 1.1 Council will monitor on an annual basis population growth and related housing needs in order to identify required amendments to this Plan, or Secondary Plans and/or the Five-Year Capital Works Program.
- 1.2 In order to effectively accommodate ANTICIPATED GROWTH, Council will endeavour to ensure that:
 - i) The various School Boards are satisfied that adequate provision to accommodate any additional school children can be made;
 - ii) Sufficient community facilities such as parks or recreation facilities or libraries can be provided;
 - iii) Any increases in traffic may be accommodated by the road network without causing unacceptable congestion, accident hazard or nuisance to adjacent residential areas;
 - iv) Residential amenities are maintained; and,
 - v) Adequate engineering services such as sewage disposal facilities, water supply and storm drainage can be made available without undue additional cost.

- 1.3 Council will promote economic growth by co-operating with the Region to attract industry and commerce to the City.

SUBSECTION A.2 - LAND USE CONCEPT

The intent of this Official Plan is to define, through the LAND USE CONCEPT, the nature and extent of future growth, while promoting an orderly and attractive community. The pattern of land use established on Schedule "A" and accompanying policies are intended to:

- *maintain a desirable diversity of land uses within the City by designating areas to be utilized for Residential, Commercial, Industrial, Major Institutional, Open Space and other uses;*
- *channel growth into groupings of complementary land uses to utilize conditions most suited to the requirements of each group;*
- *establish a land use pattern which ensures that services and utilities may be effectively used; major open spaces, conservation or environmentally-sensitive areas are protected; and sufficient shopping, recreation and employment opportunities may be accommodated which are reasonably accessible from Residential uses; and,*
- *ensure that the central area is strengthened as the major multi-use focus of community life and commerce for the City and Region, supplemented by two multi-use nodes similar in function, but smaller in scale.*

SUBSECTION A.2.1 - RESIDENTIAL USES

It is the intent of this Plan to ensure that the RESIDENTIAL USE of land is sufficient to accommodate anticipated population growth, changing demands for RESIDENTIAL development of varied styles and densities, while ensuring the maintenance of amenities for residents. As well, the Plan is intended to ensure that new RESIDENTIAL development or redevelopment is appropriately located, is compatible with surrounding development, is not subjected to noxious impacts, and achieves the conservation and efficient use of energy.

- 2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities together.
- 2.1.2 Lands designated for RESIDENTIAL USES within the Central Policy Area are not indicated on Schedule "A". In recognition of the multiplicity of land uses, policies will be identified in more detail in Subsection A.2.8.3, Special Policy Area: Central Policy Area.
- 2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including but not limited to:
 - i) Public parks less than .4 hectares in size;
 - ii) Schools, churches and similar institutional uses less than .4 hectares in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
 - iii) Individual retail or service stores in a multiple dwelling containing at least 100 dwelling units, expressly to serve the occupants therein; and,
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

- 2.1.4 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will:
- i) Be required to be provided with increased yards, adequate off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
 - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the RESIDENTIAL USES.
- 2.1.5 In order to preserve and utilize older buildings no longer appropriate for RESIDENTIAL use, and to provide a specialty type of Commercial service in proximity to the downtown area of the City, Council may permit the conversion of existing RESIDENTIAL buildings located in high-density RESIDENTIAL areas for Commercial uses such as financial offices, as may be identified through the preparation of Secondary Plans.
- 2.1.6 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Secondary Plan Policies of Subsection D.2.
- 2.1.7 Council will encourage that the design of RESIDENTIAL areas complements the natural features of the area and utilizes energy saving measures such as, but not limited to:
- i) Reduced road lengths;
 - ii) Building orientation;
 - iii) Retention of existing trees and other vegetation;
 - iv) Clustering of units; and,
 - v) Such other matters as Council deems necessary or expedient.

- 2.1.8 Subject to the Ontario Building Code, as amended from time to time, development and redevelopment designs which reflect improved energy efficiency considerations and take into account innovations in building technology will be encouraged.
- 2.1.9 Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.
- 2.1.10 The ultimate average population density of the currently undeveloped and developing areas of the City will not exceed 90 persons per gross hectare of land designated for RESIDENTIAL purposes on Schedule "A".
- 2.1.11 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- 2.1.12 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
 - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area; and,
 - ii) Appropriate open space, including landscaping and buffering, is provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- 2.1.13 Notwithstanding the provisions of Subsection A.2.8.3, it is the intent of Council that the scale and densities of existing development in Durand, Corktown and the North End neighbourhoods adjacent to the Central Policy Area be retained in any proposed RESIDENTIAL development or redevelopment.

SUBSECTION A.2.2 - COMMERCIAL USES

It is the general intent of this Plan that COMMERCIAL development occur in an orderly manner, consistent with the needs of the community. The Plan promotes a hierarchy of COMMERCIAL categories to best serve the residents of the City, and to recognize and accommodate the locational, trade area or special requirements of businesses of varying size and function.

The Plan promotes a high aesthetic quality in all COMMERCIAL areas and endeavours to minimize their impacts on adjacent land uses, most importantly, Residential uses. It is intended that all COMMERCIAL areas be readily and safely accessible and be provided with adequate parking and loading facilities.

The Central Policy Area is recognized as the highest level in the COMMERCIAL hierarchy and is promoted as the principle retail centre for both the City and the Region, offering the widest range of goods and services. Due to the diversity in land uses within the Central Policy Area, specific policies are articulated in Subsection A.2.8.3, Special Policy Area: Central Policy Area.

Further, the Plan promotes Shopping Centres of varying sizes, ranging from Sub-Regional Shopping Centres down to the smaller Neighbourhood Shopping Centres. It is intended that such Centres be distributed to provide sufficient business opportunity and consumer choice without undermining the primacy and viability of the Central Policy Area.

It is the intent of this Plan to recognize the value of existing Extended Commercial areas, their potential and special impacts. Within this category are:

- Highway Commercial areas primarily oriented to the travelling public and automobile-borne traffic and thus, dependent upon a location on a major road providing ready exposure and ease of access; and,*

- *Ribbon Commercial areas, which are similar in function, but are generally smaller in scale and more reliant on pedestrian trade.*

The Plan promotes the infilling and consolidation of these areas so as to restrict unnecessary extension or enlargement.

Additionally, policy direction is provided regarding such matters as Commercial-related parking, mixed Commercial/Residential developments, Local Convenience Commercial, and Automobile Service Stations.

- 2.2.1 The primary uses permitted in the areas exceeding .4 hectares designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- 2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Convenience Commercial uses. Except for the Central Policy Area, the hierarchy is not designated on Schedule "A" to this Plan. The location and distribution of such categories will be identified through Secondary Plans.
- 2.2.3 Further, it is intended that the policies for the various categories in the COMMERCIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Restricted Area (Zoning) By-law.
- 2.2.4 The Central Policy Area will be promoted as the principal retail, business and service centre in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Central Policy Area will be considered to be the preferred location for the major concentration of COMMERCIAL Uses in the City and in the Region. Policies for the Central Policy Area are detailed in Subsection A.2.8.3.

SHOPPING CENTRES

- 2.2.5 The SHOPPING CENTRES category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.
- 2.2.6 In addition to the primary permitted uses as set out in Policy 2.2.1, the following ancillary uses may be permitted in SHOPPING CENTRES: malls and public concourses, landscaped garden areas, private and public washrooms, parking areas, truck loading and service areas, employee rest areas, as well as mechanical, electrical and maintenance areas. Residential uses may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the General Provisions of this Subsection.
- 2.2.7 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES in the preparation of Secondary Plans:
- i) A Sub-Regional Shopping Centre will have a minimum of 55,000 square metres of gross floor area and function as the focus of a multi-use node as provided for in the Regional Official Plan;
 - ii) A Community Shopping Centre will have a gross floor area of 14,000 square metres to a maximum of 55,000 square metres; and,
 - iii) A Neighbourhood Shopping Centre will have a gross floor area of 1,400 square metres to a maximum of 14,000 square metres.
- 2.2.8 It is the intent of Council that new, extended or enlarged SHOPPING CENTRES will not jeopardize the viability of other existing or proposed retail centres in the City. In this regard, where a proposal would result in a SHOPPING CENTRE larger than 14,000 square metres of gross floor area, Council will require the completion of a market study by the proponent which indicates that such viability is not endangered, prior to any approval. Such market studies will contain:

- i) An assessment of present and future population to be served by the proposed development, including a full explanation of the sources, techniques and assumptions used in arriving at any population forecast;
- ii) A full explanation as to any other forecasts or assumptions used in determining retail requirements within the City of Hamilton;
- iii) The amount, mix, location and phasing of proposed retail space;
- iv) An evaluation of the primary and secondary trade areas of the proposed development, including any assumptions used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal;
- v) An assessment of the potential impacts on the trade areas of other retail centres, including an explanation of any methodology used; and,
- vi) Evidence that the proposal will not jeopardize the viability of the Central Policy Area in order that the intent to promote this as the principle retail centre in the Region will not be undermined.

2.2.9 Adjunct to such an analysis and prior to any consideration for approval, Council will be satisfied that the proponent has demonstrated that:

- i) Traffic volumes and movements can be safely handled by the existing or proposed transportation system;
- ii) Adequate provision can be made to accommodate access by public transit, in keeping with the Transportation policies set out in Subsection B.3.2;
- iii) Existing or proposed utilities are adequate to serve the development; and,
- iv) Any deficiencies in the above can be adequately resolved by the proponent.

2.2.10 Council will not consider for approval any proposal for a SHOPPING CENTRE which is not situated on an Arterial Road.

- 2.2.11 Where feasible, Council will give preference to SHOPPING CENTRES proposed to be located in Extended Commercial areas where such CENTRES serve to infill or consolidate existing Commercial development.

EXTENDED COMMERCIAL

- 2.2.12 The EXTENDED COMMERCIAL category applies to existing groups of individually-managed Commercial establishments located on Arterial Roads, serving both pedestrian and automobile-borne trade. It consists of:
- i) "Ribbon" Commercial uses serving predominantly residents in the vicinity, with some specialized Commercial uses attracting automobile-borne traffic from beyond the local area; and,
 - ii) "Highway" Commercial uses reliant on locations readily accessible to private vehicles specifically coming to the premises to do business.
- 2.2.13 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
- 2.2.14 While it is intended that any Commercial use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar Highway Commercial uses.
- 2.2.15 Residential uses may be permitted within EXTENDED COMMERCIAL areas by Secondary Plans without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Section.
- 2.2.16 Limited Light Industrial uses may be permitted in association with and on-site of a permitted Commercial use, subject to Council being satisfied that:
- i) The Commercial activity is the primary use;

- ii) The retail use caters to the general public and is not primarily reliant on other industrial or wholesale trade;
 - iii) Adequate provisions are made for loading facilities, subject to the policies set out in Subsection B.3.3;
 - iv) Adequate services are available to the site;
 - v) The use is not noxious by virtue of noise, heat, glare, dust, vibration or other emissions; and,
 - vi) The use does not interfere with the attractiveness or viability of the area for the primary permitted uses.
- 2.2.17 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminant extension into stable areas of non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
- 2.2.18 Council will encourage the Region to undertake such roadway improvements as street widenings, channelization, centre left-turn lanes, signalization or any other appropriate measures to improve traffic circulation in EXTENDED COMMERCIAL areas.
- 2.2.19 All outdoor storage areas will be fenced or suitably screened from adjacent Residential uses. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered, and that all parking requirements can be met.
- 2.2.20 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and in so doing, will:
- i) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other Commercial developments in the area;
 - ii) Encourage the relocation of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial uses to maximize the retail concentration;

- iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial uses;
- iv) Where substantial redevelopment is proposed, consider the increase in building setbacks to permit wider sidewalks and appropriately landscaped street furniture to encourage pedestrian movement and improve the shopping environment;
- v) Ensure in the preparation of Secondary Plans that provision is made for sufficient Residential development to sustain viable Ribbon Commercial areas; and,
- vi) Support the organization of local business interests to work toward achieving the policies of this Plan. Council may co-operate with business associations in carrying out special studies to examine land use problems and identify feasible solutions, as well as in any other manner which serves to implement the policies of this Plan.

2.2.21 No on-street parking will be permitted within Highway Commercial areas. All parking and loading will be off-street and provided by the developers or owners of Highway Commercial development. Council may consider supplying municipal parking areas, if deemed to be required, where they will serve both Highway Commercial development and other retail concentrations in close proximity to each other.

2.2.22 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all Ribbon Commercial areas where existing parking problems are identified. Such parking facilities will be:

- i) Readily accessible from the main thoroughfare serving the Ribbon Commercial area, including via side-streets off the main thoroughfare; and,
- ii) Preferably to the rear of Commercial development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.

LOCAL COMMERCIAL

- 2.2.23 The LOCAL COMMERCIAL category applies to groups of or individual commercial establishments serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- 2.2.24 The maximum size of any retail establishment will not exceed 230 square metres and the maximum size of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local residential areas only with convenience goods and personal services.
- 2.2.25 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Restricted Area (Zoning) By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Secondary Plans.
- 2.2.26 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas.

GENERAL PROVISIONS

- 2.2.27 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 2.2.28 Where COMMERCIAL uses are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL use are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- 2.2.29 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- 2.2.30 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly-defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- 2.2.31 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent and to the satisfaction of Council that the proposal will not

lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.

- 2.2.32 No parking facility serving a COMMERCIAL use or group of uses will be permitted beyond the COMMERCIAL designation, nor will vehicular access to said COMMERCIAL uses be permitted over Residentially-designated lands.
- 2.2.33 Where possible, loading facilities and parking space for delivery vehicles will be located so as to minimize impacts on adjacent Residential uses.
- 2.2.34 Any existing or proposed structures containing both residences and COMMERCIAL uses, including offices, primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL developments and, therefore, subject, in addition to any other provisions of this Plan, to the following policies:
 - i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;
 - ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential uses will be minimized;
 - iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential uses, and in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,
 - iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given.

2.2.35 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:

- i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersections of major roads, and in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,
- ii) An AUTOMOBILE SERVICE STATION will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation.

2.2.36 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;
- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential uses.

SUBSECTION A.2.3 - INDUSTRIAL USES

It is the general intent of this Plan to ensure that Hamilton's position as a major INDUSTRIAL centre in the Region and in the Province is maintained and enhanced through the retention of existing industries and through the stimulation of new industrial growth.

Accordingly, the Plan recognizes the existing inventory of INDUSTRIAL USES and identifies a reserve of lands suitable for the expansion of existing industry and for the attraction of new firms. It is also the intent of this Plan to safeguard the integrity of land uses adjacent to INDUSTRIAL areas through appropriate measures.

Further, this Plan identifies a number of INDUSTRIAL categories. Existing Heavy Industrial areas in the City, the impacts that they have, and the need to promote the improvement of the appearance and amenity of these areas, are recognized.

General Industrial areas may contain a variety of INDUSTRIAL uses which do not inherently impact adjacent uses.

Further, the Plan promotes Light Industrial areas and recognizes their benefits to the City in view of their minimal environmental impacts.

In addition, policy direction is provided regarding such matters as Industrial-related parking and mixed Industrial/Residential development.

- 2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing.
- 2.3.2 Council recognizes the varied nature of INDUSTRY in the City. Therefore, the policies of this Plan are intended to apply to a hierarchy of INDUSTRIAL categories. The hierarchy is not specifically designated on Schedule "A". The location and distribution of such categories will be identified through Secondary Plans.

- 2.3.3 Further, it is intended that the policies for the various categories in the INDUSTRIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Restricted Area (Zoning) By-law.

HEAVY INDUSTRIAL

- 2.3.4 The HEAVY INDUSTRIAL category applies to Industrial uses which, by virtue of site utilization or operation, are intensive.
- 2.3.5 The primary uses permitted in this category will include, but not be limited to: primary metal; wood and paper products; non-metallic mineral products; and chemical products production and processing and any other uses which may have substantial impacts on adjacent uses.
- 2.3.6 The following ancillary uses may be permitted in this category: retail and wholesale enterprises that are incidental to Industrial operations and are operated as subsidiary functions of a HEAVY INDUSTRIAL establishment within the main building; the open air bulk storage of minerals which are free from the emission of dust, odours or fumes; the storage of cars and/or machinery; the storage in the open or in enclosed sheds of pig iron, structural steel and/or manufactured or semi-finished metal products; business enterprises intended to directly serve the established industries and their personnel; research and development facilities; residences for caretakers or watchmen; private transportation terminals; highway and road-related services (e.g., automobile service stations); and, all uses located which, in the opinion of Council, complement and do not interfere with or detract from the primary function of the area.
- 2.3.7 Council will not permit the development of new Residential uses within ninety (90) metres of HEAVY INDUSTRIAL areas.
- 2.3.8 Council will ensure that non-Industrial land uses abutting HEAVY INDUSTRIAL areas are protected from adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.

GENERAL INDUSTRIAL

- 2.3.9 The GENERAL INDUSTRIAL category applies to a wide range of Industrial uses which, by virtue of site utilization or operation, are not intensive.
- 2.3.10 The primary uses permitted in this category will include, but not be limited to: the processing of vegetable, animal, textile, wood and paper products.
- 2.3.11 The following ancillary uses may be permitted in this category: retail and wholesale enterprises that are incidental and subsidiary to a GENERAL INDUSTRIAL establishment within the main building; the open or enclosed storage of manufactured or semi-finished products which are free from the emission of dust, odours or fumes; business enterprises intended to directly serve the established industries and their personnel; research and development facilities; residences for caretakers or watchmen; public and private transportation terminals; highway and road-related services (e.g., automobile service stations); and, all uses which, in the opinion of Council, complement and do not interfere with or detract from the primary function of the area.
- 2.3.12 Council will ensure that non-Industrial land uses abutting GENERAL INDUSTRIAL areas are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.

LIGHT INDUSTRIAL

- 2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial uses that have a minimal impact on surrounding land uses. Generally, LIGHT INDUSTRIAL uses will be encouraged to concentrate in a designed 'community-like' precinct such as the EAST MOUNTAIN INDUSTRIAL PARK.
- 2.3.14 The primary uses permitted in this category may include, but not be limited to, warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- 2.3.15 The following ancillary uses may be permitted in this category: retail and wholesale enterprises that are incidental to Industrial operations and are operated as a subsidiary function of an Industrial establishment within the main building; clubs or establishments catering to leisure activities; business enterprises intended to directly serve the established industries and their personnel; research and development facilities; residences for caretakers or watchmen; public and private transportation terminals; highway and road-related services (e.g., automobile service stations); and, all uses which, in the opinion of Council, complement and do not interfere with or detract from the primary Industrial function of the area.
- 2.3.16 All new developments in the LIGHT INDUSTRIAL category will be subject to development control as provided for by The Planning Act.
- 2.3.17 Council will encourage all new developments in LIGHT INDUSTRIAL precincts to adhere to good architectural quality in building design.
- 2.3.18 Council will ensure that non-Industrial land uses abutting LIGHT INDUSTRIAL precincts are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.
- 2.3.19 In the LIGHT INDUSTRIAL precinct known as the EAST MOUNTAIN INDUSTRIAL PARK, the following special provisions will apply:
- i) The commercial functions permitted in the PARK will not include highway-oriented land uses;

- ii) Industrial buildings or processes will not be permitted within ninety (90) metres of any structure on properties used solely for Residential purposes; and,
- iii) Cemeteries existing in 1970 will be permitted to remain in perpetuity.

2.3.20 Prior to the development of a new LIGHT INDUSTRIAL precinct, Council will require that a detailed planning investigation be undertaken to determine the most appropriate land use pattern and design guidelines in order that the development potentials of the area may be fully realized. Accordingly, a Secondary Plan will be required, subject to the policies of Subsection D.2 and, if warranted, an amendment to this Plan.

GENERAL PROVISIONS

- 2.3.21 New INDUSTRIAL uses may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control, including the quality of discharge and run-off.
- 2.3.22 Development Control may be applied to any INDUSTRIAL development. However, it will be required for all INDUSTRIAL developments abutting lands designated Open Space and Hazard Lands.
- 2.3.23 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection A.2.7 and B.3.
- 2.3.24 INDUSTRIAL uses that are proposed to be developed adjacent to existing INDUSTRIAL uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 2.3.25 Traffic generated by INDUSTRIAL uses will be discouraged from penetrating designated Residential areas.
- 2.3.26 Signs in INDUSTRIAL areas will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- 2.3.27 In order to enhance the viability of INDUSTRIAL areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of INDUSTRIAL areas through the provision of highways, arterial roads and rail and public transit services.
- 2.3.28 Council will encourage the Region to promote INDUSTRIAL areas in the City.
- 2.3.29 Council may encourage, and where feasible, assist in the relocation of uses not permitted in areas designated for INDUSTRY and in the relocation of existing industries located outside of INDUSTRIAL-designated areas into such areas.

- 2.3.30 Council may encourage, and where feasible, assist in programs for the improvement of the appearance and amenity of INDUSTRIAL areas.
- 2.3.31 INDUSTRIAL development may be permitted in areas abutting Residential uses, provided that:
- i) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers and plantings;
 - ii) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and,
 - iii) The impacts of INDUSTRIAL uses on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable.
- 2.3.32 Where existing INDUSTRIAL and Residential uses are located in close proximity to each other, Secondary Plans may be prepared, as set out in Subsection D.2, to identify potentially-viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL uses may be tolerated.
- 2.3.33 Where existing INDUSTRIAL and Residential uses are located in close proximity to each other, new INDUSTRIAL buildings may be permitted if adequate separations between uses, buffering, barriers and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council.
- 2.3.34 In areas where it is recognized that an existing mix of Residential and INDUSTRIAL uses may be tolerated, Council will permit:
- i) Only those INDUSTRIAL extensions or enlargements that do not generate adverse environmental impacts or traffic congestion;
 - ii) Only those ancillary uses such as, but not limited to retail uses, that do not generate adverse environmental impacts or traffic congestion; and,
 - iii) Outdoor storage, open space and off-street parking.

2.3.35 Existing buildings containing a mix of INDUSTRIAL, Residential and/or Commercial uses may be recognized in the Restricted Area (Zoning) By-law, provided that Council is satisfied that:

- i) Employee and customer parking space for the INDUSTRIAL use is physically separated from such space provided for a Residential use;
- ii) Amenity spaces are provided exclusively for the Residential use which are physically separated from public areas associated with the non-Residential component;
- iii) Existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be adequate to serve any residents thereof; and,
- iv) Impacts emanating from the INDUSTRIAL use which may detract from the amenity of the Residential and/or Commercial uses have been minimized.

2.3.36 In amending the Plan to permit a change in use from Residential to INDUSTRIAL or INDUSTRIAL to Residential in areas where a mix of Residential and Industrial is permissible, Council will consider, in the preparation of appropriate by-laws:

- i) Recommendations of any future residential enclaves studies;
- ii) The advisability of retaining existing buildings or uses in terms of their architectural or historical merit, or employment opportunities;
- iii) The extent to which a change in use would adversely affect the continued compatibility of neighbouring uses; and,
- iv) The provisions of appropriate Provincial legislation either governing the issuance of Certificates of Approval for INDUSTRIAL uses, or in any other manner regulating the standards of INDUSTRIAL performance.

2.3.37 Where practicable, Council will encourage the efficient use of INDUSTRIAL lands associated with the waterfront. In this regard, it is the

intent of Council that any lands as may be created by landfill from Pier 17 to the western side of Pier 23 in Hamilton Harbour which are exempted from Ontario Regulation 118/70, excluding Windermere Basin, be utilized for INDUSTRIAL purposes.

SUBSECTION A.2.4 - OPEN SPACE

It is the intent of this Plan to encourage a high-quality urban environment through the optimum use of natural resources.

It is also the intention of this Plan to preserve and conserve scenic OPEN SPACE, ecologically-significant natural features, lands that may be endangered by various hazards, and other attributes of the natural landscape.

- 2.4.1 The primary uses permitted in the areas exceeding .4 hectares designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area-wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- 2.4.2 The following ancillary uses may be permitted in OPEN SPACE areas: limited Commercial uses which are ancillary to and support the primary OPEN SPACE use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area.
- 2.4.3 OPEN SPACE will be acquired through land dedication or cash-in-lieu, as provided for in The Planning Act, by means of funds through the Five-Year Capital Budget, and as further set out in Subsection D.5.
- 2.4.4 Council will co-operate with the various Conservation Authorities to ensure the preservation and maintenance of Conservation Authority areas for wildlife management, as well as controlled educational and scientific purposes.
- 2.4.5 Where lands designated OPEN SPACE are in private ownership and application is made requesting a change in land use, due consideration will be given by Council to the most desirable use.
- 2.4.6 Council will discourage the dumping and/or filling of materials into water bodies which, due to the deleterious quality of materials, may impair the quality of the water.

- 2.4.7 Council will ensure that recreational-oriented development within areas designated as OPEN SPACE will be designed so as to complement the natural environment.
- 2.4.8 Where land designated OPEN SPACE is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these areas are free and open to the general public or will be purchased by the Municipality or any other public agency.
- 2.4.9 In areas designated OPEN SPACE in the vicinity of Hamilton Harbour, Council, where feasible and desirable, will:
- i) Recognize recreation as a significant re-emerging use of the Harbour;
 - ii) Establish or acquire the western harbour for predominantly open space and recreation purposes;
 - iii) Ensure that establishment of marina facilities will be in areas with sufficient access, backup space, proximity to suitable waters, and which requires a minimum of landfill;
 - iv) Co-operate with the Hamilton Harbour Commissioners, Hamilton and Halton Regional Conservation Authorities, Provincial Ministries, the City of Burlington and others, in their efforts to establish recreational facilities and a functional open space network and to establish the carrying capacity of the Harbour for additional marina facilities; and,
 - v) Acquire or establish access corridors and/or scenic linear easements to ensure public access to the Harbour.

SUBSECTION A.2.5 - OPEN WATER

It is the intent of this Plan that existing water bodies within the City should be preserved in their natural state. These bodies, most significantly Cootes Paradise and Hamilton Harbour, perform and should continue to perform valuable aesthetic, ecologic and economic functions. Hence, limitations on the filling and alteration of these waters are required to ensure the protection and maintenance of these waters.

- 2.5.1 The primary uses permitted in areas designated on Schedule "A" as OPEN WATER will be for shipping, navigation and boating. It is the policy of Council that these areas will remain covered by water and will not be filled, reclaimed or otherwise altered.

SUBSECTION A.2.6 - MAJOR INSTITUTIONAL USES

It is the intent of the Plan to recognize existing MAJOR INSTITUTIONAL USES under the jurisdiction of a local board or public and private agencies as valuable community assets.

Recognizing the difficulty of predicating the advent of new MAJOR INSTITUTIONAL USES, no attempt is made in this Plan to identify the future location of these uses. However, to enhance their value to the community, general policy direction is provided to guide local boards and public and private agencies in the location of new establishments when specific proposals come forth.

2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL will consist of existing cultural facilities, health, welfare, educational, religious and governmental activities and related uses.

2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential Neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required with particular consideration for the on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to and integrate with the character of established or approved development in the surrounding area; and,
- iii) Adequate provision has been made for access by the physically disabled and senior citizens.

2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area

where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable.

- 2.6.4 Notwithstanding the policies set out above, the development of any new MAJOR INSTITUTIONAL USE on a site of .4 hectares or greater will only be permitted by means of an amendment to this Plan and to the implementing Restricted Area (Zoning) By-law.

SUBSECTION A.2.7 - UTILITY USES

It is the general intent of this Plan to ensure that UTILITY USES are developed in an orderly manner consistent with the present and future needs of the City. The planning, design and development of the UTILITY USES will complement the intent of policies for other land uses.

- 2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing and parking areas; hydro transmission corridors; pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified.
- 2.7.2 Notwithstanding the permitted uses in Policy 2.7.1 above, the following uses will be permitted in Piers 10 to 14 and Piers 25 to 27 inclusive, for shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and marine-related industry or commerce that demonstrate operational need for proximity and access to the Harbour.
- 2.7.3 In accordance with the Regional Official Plan, Council will co-operate with the Region to ensure the provision of adequate access to all areas of the City and in this regard, will be further guided by the Circulation and Movement policies set out in Subsection B.3.
- 2.7.4 UTILITY USES will be developed to carefully integrate with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of structures, height control and any other measures as may be deemed to be appropriate by Council.

SUBSECTION A.2.8 - SPECIAL POLICY AREAS

For a number of reasons, additional policies are required beyond, and in some cases, notwithstanding those articulated throughout this Section of the Plan. For example, it is necessary to recognize the paramountcy of Provincial policies affecting the Niagara Escarpment and the Parkway Belt West. SPECIAL POLICIES are provided for the central area in recognition of its complex and important function within the City and Region. In certain locations, notwithstanding the indicated land use designations and associated policies, various concerns of Council will be reflected through additional policy statements having only limited application within the City of Hamilton Planning Area. All such SPECIAL POLICY AREAS are indicated on Schedule "B", and in certain instances, on Schedule "A" as well.

SUBSECTION A.2.8.1 - NIAGARA ESCARPMENT

It is the intent of this Plan to protect and preserve the valuable attributes of the NIAGARA ESCARPMENT throughout the City, and to recognize the potential of so doing through the actions of the NIAGARA ESCARPMENT Commission and to conform with the policies of the NIAGARA ESCARPMENT Plan.

2.8.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b' for which the following provisions will apply:

- i) It is intended that Area '1a' be maintained undisturbed in a natural setting primarily for compatible recreation and conservation activities. Accordingly, the permitted uses will include existing uses; recreation relating to trail activities, nature appreciation and parks; forest and wildlife management; archeological activities; essential transportation and utility facilities; and accessory facilities necessary to support the permitted uses and site modifications required to accommodate them; and,
- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development for this Area, as defined in Schedule "A", will be at a density, scale and height which is compatible with the ESCARPMENT.

2.8.1.2 It is intended that development within Area '1b' will be subject to Development Control. In the interim, the issuance of development permits from the NIAGARA ESCARPMENT Commission will be required until that time when the City is delegated this responsibility.

2.8.1.3 Council will co-operate with the NIAGARA ESCARPMENT Commission in the production of guide plans and/or management programs for the ESCARPMENT lands to preserve, improve and stabilize their amenities.

- 2.8.1.4 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the ESCARPMENT or lands in the immediate vicinity.
- 2.8.1.5 Council may investigate and support the provision of walkways along and across the ESCARPMENT in order to permit pedestrian access between the lower and upper City.
- 2.8.1.6 Council will encourage the responsible Authorities to undertake appropriate measures to preserve the integrity of the remaining natural areas of the ESCARPMENT.

SUBSECTION A.2.8.2 - PARKWAY BELT WEST

It is the intent of this Plan to protect, preserve and otherwise conform to Provincial policy for those lands within the PARKWAY BELT WEST.

- 2.8.2.1 Those lands shown on Schedule "B" as SPECIAL POLICY AREA 2 lie within the PARKWAY BELT WEST established by Ontario Regulation 472/73 as amended, and are subject to the PARKWAY BELT WEST PLAN approved by Order-in-Council 2188/78.
- 2.8.2.2 To conform to the provisions of the PARKWAY BELT WEST PLAN, it is the intent of this Plan that the Open Space and Open Water designations and related policies be utilized as indicated on Schedule "A". In addition, parts of the PARKWAY BELT WEST lie within the Hazard Lands shown on Schedule "C" and Environmentally Sensitive Areas shown on Schedule "D". In case of any discrepancy between the PARKWAY BELT WEST PLAN and the remainder of this Plan, the provisions of the PARKWAY BELT WEST PLAN will prevail.
- 2.8.2.3 It is the intent of Council that complementary policies be provided in this Plan related to the Open Waters of Cootes Paradise and Hamilton Harbour to supplement the PARKWAY BELT WEST PLAN.
- 2.8.2.4 Council will encourage and co-operate with the appropriate Authorities in the production and implementation of plans and/or programs to preserve, improve and stabilize the attributes of lands within this SPECIAL POLICY AREA.

SUBSECTION A.2.8.3 - CENTRAL POLICY AREA

In keeping with the Regional Official Plan, it is intended that the CENTRAL POLICY AREA function as the Regional Centre to serve the residents of Hamilton-Wentworth. Accordingly, it is the intent of this Plan that the AREA be promoted as a multi-use node with emphasis on those uses of specialized and/or Region-wide appeal. To enhance this function, a high order of amenity and design will be applied to ensure the sensitive integration of mixed uses with the myriad of man-made resources, and by means of an effective and safe system of pedestrian and vehicular circulation.

2.8.3.1 To promote the CENTRAL POLICY AREA as a multi-use node, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA as shown on Schedule "A" and SPECIAL POLICY AREA 3 on Schedule "B" will be for the following uses:

- i) Residential uses of various types, including but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies as set out in Subsections A.2.1 and C.7 of this Plan;
- ii) Commercial uses such as, but not limited to, retail department, food, specialty and general merchandising, personal services, head and branch offices and public administration offices, hotels, mixed commercial and residential uses, and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;
- iii) Industrial uses such as warehousing, manufacturing, laboratories, research facilities, printing and communication facilities and related uses, in keeping with the Industrial policies set out in Subsection A.2.3 of this Plan and subject to the accompanying policies contained hereafter on compatibility;
- iv) Open Space uses such as, but not limited to, parks, public or private recreational facilities, arenas, stadia and pathways, and in keeping with the Open Space policies set out in Subsection A.2.4 of this Plan; and,

- v) Major Institutional uses such as, but not limited to, cultural facilities, health, welfare, educational, religious and governmental activities and related uses, and in keeping with the Major Institutional policies set out in Subsection A.2.6 of this Plan.

- 2.8.3.2 To complement the multi-use nature of the CENTRAL POLICY AREA and to foster choice in housing opportunities for residents of the City, Council will encourage the provision and maintenance of a variety of dwelling types. In this regard, varying densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled and senior citizens will be particularly encouraged.
- 2.8.3.3 While it is the intent of this Plan that Residential uses may be permitted in proximity of other land uses, no Residential development or redevelopment will be permitted where such proximity will result in noxious impacts on, or loss of amenity to, the Residential use.
- 2.8.3.4 Council will encourage the relocation of non-Residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows.
- 2.8.3.5 Prior to the approval of a new Residential development or redevelopment in the CENTRAL POLICY AREA, Council will be satisfied that existing or proposed Park Space, Community Facilities, Schools and Engineering Services are, or can be readily made adequate to meet the anticipated needs of the residents of the proposed development.
- 2.8.3.6 It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses.
- 2.8.3.7 Council will require, when considering a proposed high-density Residential development or redevelopment in the CENTRAL POLICY AREA, the provision of the maximum useable open space on-site.

- 2.8.3.8 Council will encourage higher-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping.
- 2.8.3.9 It is the intent of Council to encourage property owners to rehabilitate deteriorating housing, where feasible, through the available provincial and federal assistance programs.
- 2.8.3.10 Council will encourage mixed Commercial/Residential developments or redevelopments within the CENTRAL POLICY AREA, subject to the General Provisions of Subsection A.2.2.
- 2.8.3.11 To strengthen the role of the CENTRAL POLICY AREA as the primary Commercial centre in the Region, it is intended that:
 - i) Major retail and office uses will be directed to create identifiable Commercial concentrations along King Street East in the vicinity of Catherine, Ferguson and Wellington Streets; and,
 - ii) Existing Extended Commercial areas along James Street, King Street East and within Hess Village will be consolidated to enhance the established retail character of these areas.
- 2.8.3.12 To ensure that existing and new Industrial uses in the CENTRAL POLICY AREA are suitable and compatible with adjacent uses, it is intended that:
 - i) Council will, with the co-operation of the Region, establish parameters and/or performance standards to determine the compatibility of Industrial uses, having regard for, but not be limited to, the following:
 - a) The intensity of the existing or proposed Industrial use;
 - b) Architectural and landscaping measures to ensure visual integration with adjacent uses;
 - c) Abatement measures to mitigate impacts that may be generated by the Industrial uses; and,

d) Accessibility to the site, parking, loading and traffic generated by the use;

ii) Where Council is satisfied that an Industrial use is compatible, the use will be recognized accordingly by the implementing Restricted Area (Zoning) By-law;

iii) Council will, with the co-operation of the Region, determine appropriate measures to attract suitable Industrial uses in the CENTRAL POLICY AREA: and,

iv) Those Industrial uses which, by operation and/or site utilization, conflict with or disturb the surrounding uses will be encouraged to relocate to more appropriate locations such as the East Mountain Industrial Park.

2.8.3.13 To enhance the role of the CENTRAL POLICY AREA as a focus for Major Institutional and cultural facilities, Council will co-operate with and encourage the appropriate operating agencies to locate new uses adjacent to existing Major Institutional or Commercial uses where it is feasible that the sharing of common facilities such as, but not limited to, parking can be achieved.

2.8.3.14 To facilitate the function of and the primary permitted uses in the CENTRAL POLICY AREA, Council will investigate to determine the most effective means of accommodating pedestrian and vehicular circulation and general accessibility to and within the AREA. In this regard, Council may give preference to pedestrian movement over vehicular circulation. Accordingly, the investigation will consider, but not be limited to, the following:

i) The segregation of vehicular and pedestrian traffic by such means as grade separation of pedestrian and vehicular traffic along and across major roads;

ii) The feasibility of creating pedestrian malls and a network of walkways;

iii) Appropriate public transit routing and the integration of conventional and innovative transit facilities;

iv) The re-routing of local and through-traffic;

v) The designation of truck routes;

- vi) The provision and location of appropriate parking facilities; and,
 - vii) The operating hours of public and private enterprises in the CENTRAL POLICY AREA.
- 2.8.3.15 To enhance the visual attractiveness of the CENTRAL POLICY AREA, Council will encourage a high standard of architectural quality. Accordingly, where feasible, innovative building design and layout, as well as the rehabilitation and preservation of buildings and areas of historic and/or architectural merit, will be promoted.
- 2.8.3.16 Council will establish building envelopes consisting of setback, height and light angles adequate to ensure acceptable shadow cast to, and light access for, adjacent properties.
- 2.8.3.17 To preserve views of the Escarpment from the CENTRAL POLICY AREA, Council will investigate and adopt measures to regulate building heights and/or institute any other appropriate measures.
- 2.8.3.18 Council will promote and co-operate with individual property owners to undertake improvements in conjunction with the Property and Maintenance provisions as set out in Subsection C.5 of this Plan, with specific attention to improvements to the rear yards of individual properties, especially loading bays, garbage storage, general clean-up and, where required, fencing; and improvements to the store fronts, with attention to the compatibility of signs.
- 2.8.3.19 Council will encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures.
- 2.8.3.20 As a condition of development or redevelopment in the area bounded by Main Street West, Hess Street South, King Street West and Bay Street South, Council will require that the proponent, in co-operation with adjacent property owners, prepare a detailed design strategy with particular emphasis on the following:
- i) The provision and dedication of a walkway

system to connect Hess Village with the intersection of King Street West and Bay Street South; and,

- ii) The proposal will be of a scale and of use which will be compatible with the character of neighbouring uses.

2.8.3.21 Council will give preference to redevelopments which utilize substantial portions of city blocks within the CENTRAL POLICY AREA, and which provide public open space in the centre of the redevelopment.

2.8.3.22 Council will endeavour to improve the streetscape in the CENTRAL POLICY AREA and accordingly, will consider, but not be limited to, the following:

- i) Pedestrian and street lighting;
- ii) Street furniture and rest areas;
- iii) Kiosks and information booths; and,
- iv) Landscaping and tree planting.

SUBSECTION A.2.8.4 - OTHER POLICY AREAS

Due to specific circumstances affecting certain areas throughout the City, it is deemed appropriate that more detailed policy guidance be provided for these cases above and beyond, or notwithstanding, the other land use provisions of this Plan. It is thus the intent of Council to identify SPECIAL POLICY AREAS as indicated on Schedule "A" and/or "B" and to apply appropriate policies to these AREAS to recognize and accommodate these circumstances.

- 2.8.4.1 The Windermere Basin, which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed special study by the appropriate agencies and water-lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan.
- 2.8.4.2 Notwithstanding the permitted uses set out in Subsection A.2.4, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 5, the following water-oriented uses will be permitted and encouraged: marinas; related clubhouses; maintenance repair and storage facilities; commercial uses such as, but not limited to, seafood restaurants, cafes; selected goods shops or other small-scale Commercial uses that serve to architecturally enhance, and encourage public attraction to, the waterfront area.
- 2.8.4.3 Within SPECIAL POLICY AREA 6 indicated on Schedule "B", the development of a Retirement Village-Nursing Home Complex will be permitted within the Stage III development area, notwithstanding the policies of Subsection B.1 Local Commercial facilities to primarily serve the needs of the Retirement Village residents will also be permitted to a maximum area of .8 hectare, notwithstanding Policy A.2.3.1.
- 2.8.4.4 Any multi-family Residential development considered for approval on the south side of Cumberland Avenue west of Gage Avenue, indicated on Schedule "B" as SPECIAL POLICY AREA 7, will be required to be protected from the adverse impacts emanating from nearby Industry, in addition to the provisions of Subsection A.2.3 (General Provisions) by such measures as:

- i) The provision of sealed windows throughout;
- ii) The inclusion of sound attenuating design techniques and materials; and,
- iii) The provision of air intakes below the 27-metre level in any building on the subject lands.

2.8.4.5 The following policies will apply within the area shown on Schedule "B" as SPECIAL POLICY AREA 8:

- i) Limited expansion of existing dwellings on Light Industrial lands within the Industrial designation will be permitted without Committee of Adjustment approval; and,
- ii) Where dwellings are permitted to front on Wentworth Street, or are adjacent to Industrially-designated lands, with the exception of Light Industrial uses, the following measures may be required to minimize the existing or potential impacts emanating from industries or traffic:
 - a) The use of sound attenuating construction techniques and materials;
 - b) The orientation of habitable rooms away from the source of the impacts; and,
 - c) The joining of dwelling units in a manner which best attenuates noise intrusion into the SPECIAL POLICY AREA.

2.8.4.6 Notwithstanding the permitted uses set out in Subsection A.2.3, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 9, the following policies will apply:

- i) No Industrial buildings or processes, but not including automobile parking associated with adjacent Industrial uses, will be permitted within sixty (60) metres of any Residential dwelling; and,
- ii) Council may require, as a condition of approval for any Industrial development, the provision of a minimum 15-metre-wide bermed and landscaped strip of adequate height and nature to protect adjacent Residential uses from impacts emanating from the Industrial use.

2.8.4.7 Council will initiate a study of SPECIAL POLICY AREA 10 as shown on Schedule "B" in conjunction with the Region and the Conservation Authority to formulate a master plan of the AREA for water-oriented and open space recreational uses. The proposed study and master plan will consider, but not be limited to, the following:

- i) The deployment of properties acquired to date through the on-going acquisition program;
- ii) The continued acquisition of properties;
- iii) The identification of and deployment of recreation facilities;
- iv) The location of public access points to the lakeshore;
- v) The circulation pattern within the AREA, as well as general access from the City and Region; and,
- vi) The appropriate shoreline protection measures as may be prescribed by the Ministries of Natural Resources and Environment to mitigate flooding, erosion and pollution.

SUBSECTION A.3.1 - HAZARD LANDS

It is the intent of the policies of this Plan that those lands which may pose a threat to life and property because of inherent physiographic characteristics such as erosion or flood susceptibility will be deemed to be HAZARD LANDS.

For the most part, these lands fall within the 'flood-lines' of the Red Hill, Stoney, Chedoke and Ancaster Creeks, their tributary watercourses, in addition to the lands within the 'fill and construction limits' of the Niagara Escarpment and Cootes Paradise.

It is intended that all HAZARD LANDS will be preserved and/or managed to control or reduce the natural hazard.

- 3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are shown as HAZARD LANDS on Schedule "C" to this Plan.
- 3.1.2 The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:
 - i) No buildings, structures or fill will be permitted in these areas, except where buildings and structures are intended for flood or erosion control, or are normally associated with the flood plain or landscape stabilization, or are required essential utilities, and are approved by Council and the Conservation Authority having jurisdiction. Further, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by Council and the Conservation Authority having jurisdiction;
 - ii) Whenever any flood control or other remedial works are undertaken which result in changes to the area of land subject to hazardous conditions, Council may consider amendment to this Plan for redesignation, if deemed to be necessary;

- iii) Where new development is proposed on a site, part of which lies within the HAZARD LANDS shown on Schedule "C", the provision of Subsection D.5 regarding Parkland dedication will apply;
- iv) No portion of a building, structure or tile field will be closer than sixty (60) metres from a stream or natural watercourse or pond, or fifteen (15) metres from valley "fill" lines or "top-of-bank" lines as determined by the Conservation Authority having jurisdiction, whichever results in the greatest separation distance to the stream, watercourse or pond;
- v) HAZARD LANDS will be zoned in a separate classification in the implementing Restricted Area (Zoning) By-law; and,
- vi) Notwithstanding the Non-Complying Uses policies as set out in Subsection A.3.3 of this Plan, Council and the Committee of Adjustment will discourage the expansion of existing Non-Complying Uses within HAZARD LANDS.

3.1.3 Notwithstanding the foregoing, any amendment for redesignation of HAZARD LANDS as shown on Schedule "C" for other purposes may be considered by Council after taking into account:

- i) The existing physical hazards;
- ii) The potential impacts of these hazards;
- iii) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
- iv) The costs and benefits in monetary, social and biological value in terms of any engineering works and/or resource management practices needed to overcome these impacts; and,
- v) The Parkway Belt West Plan, where applicable.

SUBSECTION A.3.2 - ENVIRONMENTALLY SENSITIVE AREAS

It is the intent of the policies of this Plan that those areas which are ecologically significant will be deemed ENVIRONMENTALLY SENSITIVE AREAS. It is intended that ENVIRONMENTALLY SENSITIVE AREAS be preserved in their natural state; however, limited development may be permissible, subject to assessment of impacts and sensitive design measures to retain the natural attributes of the area.

- 3.2.1 Notwithstanding the land use designations shown on Schedule "A" and the accompanying policies, those areas identified on Schedule "D" as ENVIRONMENTALLY SENSITIVE will be preserved in a natural or undisturbed state. Accordingly, the primary uses permitted will be for open spaces, undeveloped parks, public or private recreational uses, conservation uses and those uses existing at the time of the approval of the Restricted Area (Zoning) By-law implementing this Plan.
- 3.2.2 In recognition of the Regional Official Plan, Council will advise Regional Council when proposals are received for a change in the legal use of land or buildings through amendments to the Official Plan or Restricted Area (Zoning) By-law, or for an increase in intensity of an existing legal use by land severances, subdivision or variance affecting any ENVIRONMENTALLY SENSITIVE AREA.
- 3.2.3 Where development or redevelopment is proposed on lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council may consider an application for an amendment to the implementing Restricted Area (Zoning) By-law providing that the proposed use is compatible with the protection of the ENVIRONMENTALLY SENSITIVE AREA and the Parkway Belt West Plan, where applicable. For this purpose, Council may further require of the proponent that a Feasibility Study and Impact Analysis be undertaken to contain the following:
 - i) A statement as to the environmental quality, uniqueness and character of the ENVIRONMENTALLY SENSITIVE AREA in which the proposed undertaking is to occur;
 - ii) A description of the purpose of the undertaking; and,

iii) A description of:

- a) The environment that will, or that might be expected to be affected, directly or indirectly;
- b) The effects that will, or might be expected, on the environment; and,
- c) The actions that will, or that might be required to prevent, change, mitigate or remedy the effects upon, or the effects that might reasonably be expected upon the environment by the undertaking.

3.2.4 Prior to granting any amendment specified in Policy 3.2.3 above, Council may consider entering into an agreement with the property owners to preserve all or part of the ENVIRONMENTALLY SENSITIVE AREAS in a natural or undisturbed state.

3.2.5 Land abutting ENVIRONMENTALLY SENSITIVE AREAS will be developed in a manner to protect and complement the adjacent hazard and/or natural attributes.

SUBSECTION A.3.3 - NON-COMPLYING USES

The land use policies of this Plan and the designations detailed on Schedule "A" represent a strategy which will be followed over the next two decades. However, it is recognized that there exist in the City some land uses that do not presently comply with the strategy set out in this Plan and that this situation is likely to persist for some time. As well, many of these uses have been established for a considerable number of years and frequently, a large degree of tolerance has resulted between them and their neighbours. While a sound planning program would not deliberately seek to foster a mix of land uses that would be detrimental to each other, it must be recognized that situations exist that can be tolerated in the interim without adverse results.

The Plan, therefore, while endeavouring to achieve a high degree of land use compatibility for new development, intends that there be a degree of leeway in land use for existing areas where time and custom has achieved an acceptable level of tolerance. Nevertheless, there are still some existing uses that not only do not comply, but are also incompatible, for which specific policy remedy is required.

- 3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist over time. Accordingly, such uses will be deemed to be NON-COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may convert to the use intended by this Plan.
- 3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING use to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:
 - i) Council will determine the feasibility of acquiring and of holding, selling, leasing or redeveloping the property concerned in accordance with the provisions of The Planning Act. Council will further examine the merits and potential for the relocation of the use to an area in compliance with this Plan;

- ii) If acquisition by the City is not feasible, Council may encourage the Region to consider acquisition. Where no municipal acquisition is possible and/or the special merits of the individual case make it desirable to grant permission for the extension or redevelopment of the NON-COMPLYING use, Council may consider the passing of an enabling Restricted Area (Zoning) By-law pursuant to The Planning Act; and,
- iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:
 - a) That the proposed extension or enlargement of the established NON-COMPLYING use will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Restricted Area (Zoning) By-law applying to the area;
 - b) That the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING use established prior to the passing of the original Restricted Area (Zoning) By-law;
 - c) That an application, which would affect the boundary between areas of different land use designations in this Plan, will only be processed under these policies, if it can be considered as a minor adjustment. Major intrusions will require an amendment to this Plan;
 - d) The characteristics of the existing NON-COMPLYING use and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generating capacity. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
 - e) That the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or

screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;

- f) Such provisions and regulations will be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;
- g) That traffic and parking conditions of the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- h) That adequate provisions have been or will be made for off-street parking and loading facilities; and,
- i) That municipal services such as water, sanitary and storm sewers, roads, etc., are adequate, or can be made adequate.

3.3.3 Where an established NON-COMPLYING use seriously affects the general amenity of the surrounding area, consideration will be given to the possibility of ameliorating such conditions, especially when public health and welfare are directly affected.

3.3.4 Notwithstanding Policies A.3.3.1 and A.3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING use in the Restricted Area (Zoning) By-law, provided that:

- i) It will not aggravate any situation detrimental to adjacent complying uses;
- ii) It does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
- iii) It does not interfere with desirable development in adjacent areas that are in conformity with this Plan.

SUBSECTION A.3.4 - DIVISION OF LAND

It is the general intent of this Plan that the further division of land in the City will be primarily where the lots to be created are within a registered plan of subdivision approved by the Region.

- 3.4.1 In accordance with the intent of the Regional Official Plan, consents to sever individual parcels of land within the City will generally be discouraged and limited in accordance with the following provisions:
- i) Severances to create new lots where adequate municipal sewer and water services are not available will be prohibited, unless a hardship will be created;
 - ii) Severances will be discouraged which do not comply with the Staging policies of Subsection B.1 and the Regional Official Plan; and,
 - iii) Severances will be discouraged where such severance would make it difficult to assemble adequate parcels of land which would permit planned development.

Section B: Servicing Strategy

The Land Use and Management Strategy detailed in Section A of this Plan only defines the nature and physical extent of growth anticipated to the year 2001. However, this STRATEGY is predicated on the efficient and economic deployment of necessary services to support the existing and proposed complement of land uses, and to ensure the safety, health and well-being of the residents of the City.

Accordingly, it is the intent of this Plan to detail a SERVICING STRATEGY to ensure that the responsible jurisdictions, public agencies and authorities co-ordinate the provision of appropriate levels of services to be commensurate with the rate and extent of anticipated growth. The STRATEGY identifies:

- requirements for the Staging of Development;
- provisions for the extension of Engineering Services;
- improvements to Circulation and Movement; and,
- provision for Utility Services.



SUBSECTION B.1 - STAGING OF DEVELOPMENT

It is the intent of this Plan that new development in the undeveloped areas of the City be STAGED so as to provide for the orderly and economic extension of all municipal works and services. Since new development will normally only be possible if piped municipal services are available, it is essential that the STAGING OF DEVELOPMENT will be concurrent with the staging of construction of municipal sewerage and water works services.

The actual time period for the various stages will depend to a large extent on the rate of population growth and financial capabilities of the City and/or Region to undertake the necessary expenditures. The sequence for the STAGING OF DEVELOPMENT is not intended as a rigid timetable within which development must occur. Rather, it is intended that economic and efficient use of services and community facilities will be made in each STAGE before proceeding with development in the next STAGE, dependent on the financial capacity of the City and/or Region to meet the public costs of permitting the next STAGE to develop.

- 1.1 The sequence of STAGING OF DEVELOPMENT in the undeveloped areas of the City will be:

- i) firstly, STAGE I;
- ii) secondly, STAGE II; and,
- iii) thirdly, STAGE III,

as shown on Schedule "E", the Sequence for the STAGING OF DEVELOPMENT.

- 1.2 It is the intent of Council that economic and efficient use will be made of municipal facilities in each STAGE before permitting development in the next STAGE. Development in each STAGE will also be consistent with the financial capacity of the City and/or Region to meet the public costs of permitting the next STAGE OF DEVELOPMENT.

- 1.3 It is the intent of Council that sixty per cent (60) of planned Residential development be registered in any serviced STAGE prior to permitting further Residential development to occur in any subsequent undeveloped STAGE.

- 1.4 In addition, Council will be satisfied that the program for the extension of Engineering Services is compatible with said extensions of development.
- 1.5 Notwithstanding Policy B.1.3 above, Council may vary the specified percentage of planned development in light of special circumstances peculiar to a partially-developed neighbourhood or neighbourhoods within a particular STAGE.
- 1.6 Notwithstanding Policies B.1.3 and B.1.4 above, where there is considerable development which has already taken place without Engineering Services, Council may permit further infilling and rounding out of such development.

SUBSECTION B.2 - ENGINEERING SERVICES

The intent of the policies set out in this Plan is to ensure that improvements to and the required complement of ENGINEERING SERVICES (Water Distribution, Sewage Disposal, Storm Drainage and Solid Waste Disposal) are commensurate with the requirements of anticipated growth in the City. Accordingly, it is intended that only those sectors of the City designated for growth by the Land Use Concept be provided with necessary Services.

SUBSECTION B.2.1 - WATER DISTRIBUTION

It is intended that all existing and future development within the City will be effectively serviced by WATER DISTRIBUTION System in order to mitigate or prevent environmental and health problems or other hardships. This Plan will also encourage that all existing development, in time, be connected to the System in order to mitigate potential adverse environmental effects from development currently not connected to the System.

- 2.1.1 In accordance with the intent of the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and/or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.
- 2.1.2 No extension of the WATER DISTRIBUTION System will be made into new areas of the City, except where the Region is satisfied that a proven need exists. In this regard, Council will encourage the Region to ensure that the following conditions have been identified:
 - i) Existing or potential health hazards;
 - ii) Environmental degradation; and,
 - iii) Undue hardship imposed on residents as a result of inadequate water supplies.
- 2.1.3 Council will co-operate with the Region to ensure that the staging, construction or expansion of the WATER DISTRIBUTION System is carried out in conjunction with the Staging of Development policies outlined in Subsection B.1 of this Plan.
- 2.1.4 Council will encourage the Region to maintain and improve the WATER DISTRIBUTION System throughout the City. In so doing, additional storage capacity will be provided in reservoirs and sufficient water pressure maintained in the distribution system to adequately confront fire and other types of emergencies.

2.1.5 Notwithstanding Policy B.2.1.2, where there is considerable development which has already taken place without a WATER DISTRIBUTION System, Council may permit further infilling and rounding out of such development, provided that they can be connected to the WATER DISTRIBUTION System when the System is extended to the area and that the following are met:

- i) The site proposed for development has adequate quality and quantity of ground water; and,
- ii) The proposed development will not create potential health hazards to the area residents.

SUBSECTION B.2.2 - SEWAGE DISPOSAL

It is intended that all new development or redevelopment within the City will be effectively serviced by the SEWAGE DISPOSAL System, and that improvements or extensions will be made to this System where necessary. It is recognized that growth in the City is subject to sewage treatment capacities, and accordingly, the quality of effluent discharged into the environment. In this regard, the Plan will encourage the appropriate agencies to introduce adequate measures to provide for future improvements to the SEWAGE DISPOSAL System.

- 2.2.1 Council will, with the co-operation of the Region, require that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitorings of effluents discharged are undertaken.
- 2.2.2 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to investigate and implement methods for treating storm run-off and overflow from combined sewers in the City.
- 2.2.3 Council will co-operate with the Region to ensure that the staging, construction or expansion of the SEWAGE DISPOSAL System is carried out in conjunction with the Staging of Development policies outlined in Subsection B.1 of this Plan.
- 2.2.4 Notwithstanding Policy B.2.2.1, where there is considerable development which has already taken place without a SEWAGE DISPOSAL System, Council may permit further infilling and rounding out of such development on temporary individual sewage disposal systems approved by the Medical Officer of Health, provided that they can be connected to the SEWAGE DISPOSAL System when the System is extended to the area.

SUBSECTION B.2.3 - STORM DRAINAGE

It is intended that adequate measures be required or undertaken to ensure that STORM run-off within the City is safely and effectively accommodated. Accordingly, this Plan promotes the linkage of all new development to appropriate STORM DRAINAGE facilities to minimize any adverse effects created by development on the natural environment.

- 2.3.1 Council will require that all development and/or redevelopment be connected to and serviced by a STORM DRAINAGE System or other appropriate system such as ditches, zero run-off and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM Sewer System is at a sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the drainage capacity of natural watercourses flowing through the City.
- 2.3.2 Council will ensure that all STORM DRAINAGE facilities are constructed completely separate from Sanitary Sewer facilities and encourage, where feasible, the separation of existing combined systems when appropriate opportunities such as road widenings and reconstruction of roads arise .
- 2.3.3 Council will not permit any new development or redevelopment where it would interfere with or reduce the drainage capacity of any natural watercourse or result in any pollution and drainage problems along watercourses and their tributaries.
- 2.3.4 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region in any study or program to investigate and implement suitable and economical methods of reducing urban STORM water run-off.

SUBSECTION B.2.4 - SOLID WASTE DISPOSAL

It is intended that the City co-operate with the Region to ensure effective SOLID WASTE DISPOSAL service for all land uses. Accordingly, it is intended that all land uses be served by a regularly-scheduled DISPOSAL service.

- 2.4.1 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to provide a co-ordinated System for the collection and haulage of SOLID WASTE to Regional DISPOSAL facilities.
- 2.4.2 Council will encourage the Region to establish WASTE DISPOSAL and transfer facilities to efficiently serve the City in the most economical and environmentally-acceptable means available.
- 2.4.3 In accordance with the intent of the Regional Official Plan, Council will encourage and co-operate with the Region in developing a program for resource recovery and recycling of SOLID WASTE materials.
- 2.4.4 Council will co-operate with the Region to monitor the leachate seepage of the sanitary landfill sites on the East Mountain and adjacent to Highway 403, and in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill sites.
- 2.4.5 Council will co-operate with the Region, during the final stages of deposition of the sanitary landfill site on the East Mountain, to consider its potential use for recreational purposes. Accordingly, consideration will be given to, but not limited to contouring of the lands. This will be carried out in a manner that is environmentally-acceptable and subject to the approval of the Ministry of the Environment.

- 2.4.6 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal disposal service, or in the case of certain uses, through individually-contracted collection service.
- 2.4.7 Council will not permit the final disposal of SOLID WASTE within the City except at approved disposal facilities to protect the environment and the public health.
- 2.4.8 Council will encourage the Region to co-operate with senior levels of government to develop programs which may reduce the quantities of SOLID WASTE generated within the City.
- 2.4.9 Council will encourage the Region to utilize innovative SOLID WASTE Disposal Systems (i.e., SWARU) that recover and recycle SOLID WASTE.
- 2.4.10 Council may pass By-laws to require and control the location of waste storage areas and containers in Industrial and Commercial areas and to regulate the temporary storage of waste material on street boulevards.

SUBSECTION B.3 - CIRCULATION AND MOVEMENT SYSTEM

The general intent of this Plan is to ensure the development and maintenance of an effective CIRCULATION AND MOVEMENT SYSTEM that will maximize accessibility in all parts of the City and reduce conflicts between pedestrian and vehicular circulation. The CIRCULATION AND MOVEMENT SYSTEM will consist of a Road Network, Public Transportation, Rail Transportation, Parking Facilities, Pedestrian and Bicycle Circulation System, Marine and Air Transportation which will link the various land use designations in the Plan.

SECTION B.3.1 - ROAD NETWORK

It is the intent of this Plan that the ROAD NETWORK consisting of Regional and Municipal roads will accommodate anticipated future traffic volumes at a reasonably high level of service. Accordingly, this NETWORK is classified by function to identify and differentiate the various types of ROADS that are required for local and through-traffic. This will also facilitate the planning and implementation of ROAD improvements, operation and maintenance.

- 3.1.1 In accordance with the provisions of the Regional Official Plan, Council will integrate the planning of the ROAD NETWORK under its jurisdiction with the Regional Road System.
- 3.1.2 In accordance with the intent of the Regional Official Plan, the ROAD NETWORK will be composed of Inter-Regional Highways, Arterials, Collectors and Local Roads. All Inter-Regional Highways and Arterials are shown on Schedule "F"; in addition, right-of-way requirements are identified for certain Arterials and other roads.
- 3.1.3 The planning and implementation of the ROAD NETWORK will be subject to the following functional road classifications:
 - i) INTER-REGIONAL HIGHWAYS provide strategic links in the ROAD NETWORK. Their primary function is to carry traffic into, through and out of the City and the Region. INTER-REGIONAL HIGHWAYS such as Queen Elizabeth Way, Highway 403, Centennial Parkway and Ryman Road will have full or partially-controlled access to abutting lands;
 - ii) ARTERIAL ROADS will function as strategic links in the overall ROAD NETWORK. They will carry relatively large volumes of short and long-distance traffic in and through the City. ARTERIAL ROADS provide some access to abutting properties;
 - iii) COLLECTOR ROADS will function as connecting road links between Arterial and Local Roads.

They generally carry lower traffic volumes than Arterial Roads and may provide direct access to abutting properties; and,

- iv) LOCAL ROADS will provide direct access to abutting properties and carry traffic predominantly of local nature.

3.1.4 Where feasible, the planning and implementation of the ROAD NETWORK for each functional classification as described in the above policies will generally be based on certain standard right-of-way widths and in accordance with the Regional Official Plan and current design practices. Notwithstanding the above, where existing roads in developed areas are designed at a lesser standard, consideration may be given for their improvement. The general road right-of-way widths will be based on the following standards and kept free of development:

- i) INTER-REGIONAL HIGHWAYS will have right-of-way widths and design adequate to accommodate long-distance traffic;
- ii) ARTERIAL ROAD right-of-way widths will be 60 metres when there is complete control of access to abutting land use and 26 to 36 metres in areas where there is only partial or no control of access to abutting land use;
- iii) COLLECTOR ROAD right-of-way widths will range from 20 to 26 metres; and,
- iv) LOCAL ROAD right-of-way widths will be up to 20 metres.

3.1.5 Where development and/or redevelopment occurs, Council will require as a condition of approval that sufficient lands are dedicated to provide for a road right-of-way in accordance with the designated widths as set out in Policy B.3.1.4 above. Accordingly, Council may protect the specified right-of-way widths through the adoption of appropriate by-laws.

3.1.6 In accordance with the intent of the Regional Official Plan, where a significant portion of development has taken place along a Major Road and the road rights-of-way are not specified on Schedule "F", Council will require special studies to be undertaken to determine a practical right-of-way along such roads to serve traffic requirements while minimizing the negative

impacts on development. Accordingly, the exact rights-of-way to be protected for such roads will be specified by Council after these studies are completed by way of an amendment to this Plan.

- 3.1.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to protect lands for purposes of future controlled access interchanges to the proposed east-west transportation facility at the points where the east-west transportation facility crosses the following roads:

- i) Garth Street;
- ii) Upper James Street;
- iii) Upper Wentworth Street;
- iv) Upper Gage; and,
- v) The northern extension of Dartnell Road.

The exact boundaries of the lands required for these interchanges shall be determined through detailed study and shall be designated in Secondary Plans.

- 3.1.8 In addition to Policy B.3.1.9 below, Council will, where deemed necessary and with the co-operation of the Region, initiate construction and maintenance programs to improve the safety and operation of the ROAD NETWORK.

- 3.1.9 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to improve and overcome deficiencies on Arterial Roads by providing for the possible future location or the improvement of the following:

- i) A new road linking Burlington Street West with Highway 403 as shown on Schedule "F";
- ii) A new east-west and north-south transportation facility that will link Highway 403 on the mountain with Queen Elizabeth Way as shown on Schedule "F";
- iii) Additional east-west road capacity on existing Arterial Roads or a new road connection between the downtown area and the junction of Main Street and Cootes Drive; and,

- iv) Additional east-west road capacity on existing Arterial Road or a new road connection between the downtown area and the junction of King Street and Lawrence Road.

Further, these new links will be assessed in reference to their effects on adjacent land uses through the preparation of detailed policies in Secondary Plans. Accordingly, such Plans will promote, where necessary, appropriate setback, buffering, screening and landscaping to alleviate environmental, social and economic consequences resulting from the possible new location of such roads and in keeping with the intent and spirit of The Environmental Assessment Act.

- 3.1.10 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to improve, when necessary, the Mountain access approaches between Beckett Drive and Sherman Access. Accordingly, Council will assist the Region in reviewing the pattern of vehicular movement and take necessary measures to maintain the free flow of traffic and minimize impacts on adjacent neighbourhoods.
- 3.1.11 In accordance with the intent of the Regional Official Plan, and where feasible, direct access to Arterial Roads from individual properties will be limited by special restrictions to enhance the free flow of traffic and minimize the impacts on abutting properties and pedestrian movement. Accordingly, the following general principles will be used to implement this policy through Secondary Plans:
 - i) The location and design of Collector Roads to discourage through-vehicular traffic within Residential areas:
 - ii) The spacing between Arterial and Collector Road intersections will be appropriate to accommodate traffic control devices operated in a safe and efficient manner to enhance the flow of traffic along Arterial Roads and minimize the number of stops for vehicular traffic;
 - iii) The spacing and possible reduction of driveways on Arterial Roads by means of proper site planning techniques such as controlled access and common off-street parking facilities;

- iv) Where feasible, the elimination of on-street parking on Arterial Roads by providing suitable off-street parking facilities;
 - v) An adequate buffer or intervening landscaping and screening; and,
 - vi) The provisions set out in Subsection D.2 of this Plan.
- 3.1.12 Further, where reverse frontage lots for Residential development are required or permitted adjacent to Arterial Roads (i.e., the east-west and north-south transportation facility), additional measures to attenuate the effects of noise and visual intrusion, such as but not limited to additional yard or lot requirements, double-glazing of windows, use of construction materials having sound-proofing qualities, and the reserve of easements for the effective placement of noise berms, will be investigated and implemented, where required, to meet the accoustical standards of the Ministry of the Environment and as further set out in Subsection C.7.
- 3.1.13 Council will co-operate with the Region in the designation and development of scenic drives and their integration with major open spaces, recreational areas and pedestrian and bicycle paths.
- 3.1.14 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to maintain, monitor and improve designated truck routes to accommodate the safe and efficient movement of truck traffic, while minimizing the penetration of non-essential trucking into Residential areas.
- 3.1.15 In addition to Policy B.3.1.14 above, Council may require appropriate building setbacks and screening and buffering requirements along designated truck routes to alleviate excessive noise impacts on adjacent land uses.
- 3.1.16 Secondary Plans will identify appropriate abatement measures to mitigate the impact of rail and vehicular noise on existing and proposed Residential development, subject to the provisions of Subsection C.7.
- 3.1.17 Council, in reviewing new subdivision plans, development and/or redevelopment proposals, will require, as a general standard, that sidewalks be provided adjacent to the development.

SUBSECTION B.3.2 - PUBLIC TRANSIT

It is the intent of this Plan to provide for an efficient PUBLIC TRANSIT System that will meet the future needs of people in the City, and will attract sufficient levels of ridership.

- 3.2.1 In accordance with the intent of the Regional Official Plan, Council will encourage the Transit Authority to maintain a level of PUBLIC TRANSIT service that reflects and meets the needs of the commuting public. Accordingly, Council will support the Region in promoting TRANSIT ridership throughout the City, extending and integrating PUBLIC TRANSIT service with other land uses.
- 3.2.2 Council will encourage the Transit Authority to ensure:
 - i) The safe and efficient movement of the commuting public;
 - ii) The continued development of the TRANSIT System in the Central Policy Area as a primary focal point of the System to provide a high degree of accessibility and reduce dependency on private automobiles;
 - iii) An optimum number and distribution of TRANSIT routes throughout the City; and,
 - iv) A high degree of accessibility to the PUBLIC TRANSIT System in all areas.
- 3.2.3 Council will promote Sub-Regional Centres as the focal points for local TRANSIT service and further, will co-operate with other levels of government in any investigation to increase TRANSIT capacity linking the Central Policy Area and the Sub-Regional Centres to other land uses.
- 3.2.4 Council will investigate with the appropriate Regional and Provincial Authorities the feasibility of a multi-mode transportation terminal in the Central Policy Area for inter-urban and intra-urban TRANSIT services. Accordingly, Council will encourage the consideration of the following criteria:
 - i) Proximity to other forms of PUBLIC TRANSIT;
 - ii) Proximity to pedestrian routes;

- iii) Proximity to existing and proposed employment/retail centres;
- iv) Proximity to parking facilities; and,
- v) Ease of access for TRANSIT vehicles.

3.2.5 In the planning of TRANSIT services, and in accordance with the Regional Official Plan, Council will encourage the appropriate Authorities to consider the location of the following:

- i) Major employment and retail concentrations and schools;
- ii) Concentrations of high-density Residential developments;
- iii) Terminals of inter-city transportation systems;
- iv) Major medical and social service centres;
- v) Housing developments for the elderly and/or the handicapped; and,
- vi) Parks, theatres and museums.

3.2.6 Council will encourage and co-operate with the appropriate Authorities to ensure that all Shopping Centres and Extended Commercial areas are provided with an acceptable level of TRANSIT service.

3.2.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to establish ancillary public parking to promote and facilitate the use of PUBLIC TRANSIT.

3.2.8 In the preparation of Secondary Plans, Council will encourage and co-operate with the Transit Authority to locate TRANSIT stops, where possible and feasible, in close proximity to passenger generators. Furthermore, Council will support, where practicable, the integration of these stops with pedestrian crosswalks.

3.2.9 In keeping with the spirit and intent of Policy B.3.2.8 above, Council will co-operate and encourage the Region to promote, where necessary and feasible, the provision of special

bus lanes and bus-bays for routes carrying high volumes of TRANSIT vehicles.

- 3.2.10 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region and the appropriate Provincial agencies to provide and maintain an inter-regional TRANSIT System which increases accessibility between Hamilton and Municipalities beyond the Region.
- 3.2.11 To minimize the need for new road facilities in congested corridors and to accommodate large volumes of TRANSIT users, Council may consider the potential of a new and innovative intermediate capacity transit line connecting downtown Hamilton to an appropriate location on the Mountain. Accordingly, Council will co-operate with the Region and other levels of government in any studies to determine an appropriate location for the intermediate capacity transit lines and have regard for the following:
- i) Major employment and retail centres;
 - ii) Concentration of high-density Residential developments;
 - iii) Major cultural, medical and institutional nodes;
 - iv) Areas of higher population densities; and,
 - v) The possibility of operating the intermediate capacity transit lines within exclusive rights-of-way.

SUBSECTION B.3.3 - PUBLIC AND PRIVATE PARKING

The Plan recognizes the importance of PUBLIC AND PRIVATE PARKING facilities. In this regard, it is intended that adequate PUBLIC AND PRIVATE PARKING facilities are available and will continue to serve the City without interfering with the efficient flow of traffic movement.

- 3.3.1 Council will maintain and enhance the supply of PARKING in the City through the operation of the Municipal Parking Authority and requirements for the provisions of private PARKING.
- 3.3.2 In keeping with the intent of Policy B.3.3.1 above, Council will regularly review its PARKING policies and relevant By-laws to ensure the safe and efficient operation of PARKING facilities.
- 3.3.3 Council will discourage, where appropriate, the provision of on-street parking on Arterial Roads to facilitate the free flow of traffic movement and accordingly, will encourage replacement with sufficient off-street and/or on-site PARKING facilities.
- 3.3.4 Council will require that in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and loading facilities.
- 3.3.5 Council will require, as a condition of development or redevelopment, that ingress and egress points to PARKING areas will be limited in number and designed to acceptable standards for traffic safety. Council will further encourage the sharing of access points by similar adjoining land uses, where practicable, to minimize traffic hazards on major roads.
- 3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably drained and hard surfaced with, for example, either asphalt or concrete and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby.

- 3.3.7 Where severe PARKING and/or loading problems are encountered in developed areas, and where the PARKING and/or loading of vehicles on streets or adjacent lands constitutes a nuisance or is seriously affecting the amenity and maintenance of the area, Council may consider the acquisition of lands in appropriate locations for PARKING purposes pursuant to The Municipal Act. Preference will be given to those locations where the problems are most severe and/or where the greatest number of land uses may benefit.
- 3.3.8 Council may, at its discretion and subject to the City of Hamilton Act, provide developers with the option of making a cash payment to the City in lieu of all or part of the Restricted Area (Zoning) By-law PARKING requirements. Such funds will be used for the acquisition of lands and/or the provision of off-street PARKING throughout the City where deemed appropriate by Council.
- 3.3.9 Those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:
- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
 - ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area; and,
 - iii) The use of such vacant lands for temporary PARKING will not exceed two (2) years, or the period which the owner of the land at the time of authorization for PARKING purposes continues to be the owner thereof, whichever is the lesser, as provided for in The Planning Act.
- 3.1.10 To encourage the use of Public Transit and reduce the potential use of private automobiles in the downtown, Council may discourage the use of public PARKING facilities for long-term commuter PARKING in the downtown.

SUBSECTION B.3.4 - PEDESTRIAN AND BICYCLE CIRCULATION

This Plan promotes a safe PEDESTRIAN AND BICYCLE CIRCULATION System that "links" the various activity nodes throughout the City. The System will also complement the vehicular circulation in the Central Policy Area.

- 3.4.1 Council will promote the development of a "link-node" system which will link major PEDESTRIAN destinations such as schools, parks and Commercial areas (i.e., the Central Policy Area) by PEDESTRIAN paths, sidewalks along certain roads and BICYCLE routes. In this regard, Council will undertake a detailed investigation of such a System which will lead to implementation through the preparation of Secondary Plans.
- 3.4.2 Where feasible, a continuous "link-node" system will be co-ordinated with the development and/or redevelopment of Residential and other areas throughout the City. Accordingly, Council will have regard for the following provisions:
 - i) The System be designed such that it will intersect with major roads at specified points to ensure the safety of pedestrians and cyclists;
 - ii) Where appropriate, the System will be integrated with areas with natural amenities such as open space, valleys and parks; and,
 - iii) When development and/or redevelopment proposals are submitted for approval and where such proposals are on land that may affect the continuous nature of the "link-node" system, every effort will be made to ensure that such proposals are integrated with the System through land dedication or land acquisition.

SUBSECTION B.3.5 - RAIL SERVICE

Further, it is the intent of this Plan to recognize a RAIL SERVICE System that will meet existing and future domestic, business and industrial requirements. Moreover, the System will supplement road transport for commodity movements. It is also intended to minimize inherent conflicts between rail, vehicular and pedestrian circulation.

3.5.1 In accordance with the Regional Official Plan, Council will encourage railway companies to provide safe and efficient service for both the residents and industries of the City. In this regard, Council will promote RAIL SERVICE to improve the inter-City commuter facilities and provide sufficient RAIL SERVICE for Industrial establishments.

3.5.2 In this regard, special provisions will be established through detailed Secondary Plans or when reviewing major development and/or redevelopment proposals to protect land uses adjacent to rail lines and in accordance with the following provisions:

- i) Additional setback and buffer requirements on abutting non-Industrial land uses to reduce the level of noise generated by trains;
- ii) Utilization of special building construction techniques; and,
- iii) Compliance with the provisions of Policy B.3.1.14.

3.5.3 Council, in co-operation with the Region and the appropriate authorities, will review the conflicts between RAIL, vehicular and pedestrian movements in order to ascertain the measures to:

- i) Provide appropriate level crossing control devices;
- ii) Accommodate grade separations where hazardous conditions prevail with the financial assistance of the Federal Government; and,
- iii) Provide and maintain fences and/or other appropriate measures along RAIL lines and RAIL yards.

- 3.5.4 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to ensure the integration of existing or planned railway yards and stations within the context of the overall Circulation and Movement System.
- 3.5.5 Council will co-operate with the appropriate agencies to investigating the long-term intended use of existing and abandoned railway lines throughout the City.
- 3.5.6 Further to Policy B.3.5.4 above, Council will co-operate with the Region and the appropriate Authority to initiate a detailed investigation into the possibility of relocating the Stuart Street Marshalling Yards to another suitable location.

SUBSECTION B.3.6 - MARINE SERVICE

It is recognized in this Plan that the City of Hamilton has exclusive jurisdiction under The Planning Act in respect of land use control, except where the Hamilton Harbour Commissioners undertake development of land for bona fide shipping and navigation purposes. The authority of the Hamilton Harbour Commissioners with respect to uses of land for bona fide shipping and navigation is, therefore, recognized in this Plan.

- 3.6.1 Council will encourage and support the Hamilton Harbour Commissioners in the development of land for bona fide shipping and navigation purposes in a manner consistent with the economic and environmental goals of the City.

SUBSECTION B.3.7 - AIR SERVICE - THE HAMILTON CIVIC AIRPORT

It is the general intent of this Plan to recognize the role of the HAMILTON CIVIC AIRPORT in the City and the Region. Notwithstanding, the City acknowledges that the AIRPORT is under Federal ownership and that the City is responsible for its management. In this regard, the City shall co-operate with all levels of governments and their appropriate agencies to provide a safe and efficient AIR SERVICE.

- 3.7.1 Council recognizes the importance of the HAMILTON CIVIC AIRPORT for the growth and development of the City and the Region, and in this regard, Council will co-operate with all other agencies of government and private authorities to enhance AIR SERVICE to meet future travel needs by means of:
- i) Modernization and expansion of existing facilities;
 - ii) Construction of new runways; and,
 - iii) Improving ancillary uses associated with the operation of the AIRPORT such as access and Engineering Services.
- 3.7.2 In accordance with the Regional Official Plan, Council may, when considering development and/or redevelopment for the area that is subject to the Noise Exposure Forecast contours, apply the appropriate Federal and Provincial land use guidelines and noise abatement measures. In addition, Council will recognize the following:
- i) Site planning standards that are complementary to the standards prepared by the Ontario Ministry of Housing;
 - ii) Appropriate Provincial land use compatibility guidelines for uses within the Noise Exposure Forecast system; and,
 - iii) Prepare detailed Secondary Plans to identify the location and height limit of proposed buildings in order to secure the safe movement of air traffic.

3.7.3 Further to Policy B.3.7.2 above, Council will prior to approving future Residential development that will be affected by a Noise Exposure Forecast contour of 28 or greater, require the proponent of such development to undertake any or all of the following:

- i) Submit a detailed noise analysis prepared by a qualified expert outlining the required noise insulation features in the design of buildings;
- ii) Satisfy Council that appropriate noise insulation features have been provided in the construction of buildings; and,
- iii) Inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities.

SUBSECTION B.4 - UTILITY SERVICES

The general intent of the policies set out in this Plan is to ensure that the various agencies responsible for UTILITY SERVICES provide the necessary SERVICES that are associated with and support existing and proposed development. Accordingly, these SERVICES will have a minimum of impact on the built and natural environments.

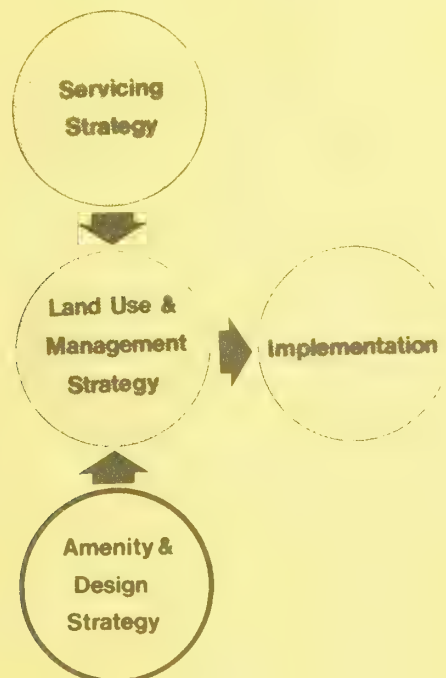
- 4.1 Council will encourage, and where necessary, participate with the various public or private UTILITY agencies to ensure that UTILITY SERVICES such as electric power, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the community.
- 4.2 Council will encourage and co-operate with the various public and private agencies in the planning of future transmission routes, easements and facilities for UTILITY SERVICES. Such SERVICES will be provided in a manner which can be integrated with the established and/or anticipated pattern of development.
- 4.3 Council will encourage the appropriate public or private agencies to place electric power, telephone lines, multi-use cables and other such UTILITY SERVICES underground and in accordance with the following provisions:
 - i) In areas where new developments occur, this will be required prior to the actual construction of buildings;
 - ii) In areas where redevelopments occur, this will be required only when and if it is reasonable and economical, having regard to the size of the redevelopment and the extent of work involved; and,
 - iii) In areas where development is likely to remain stable and overhead wires exist, this will be encouraged, where feasible and practicable, when major street improvements are undertaken.

Section C: Amentiy and Design Strategy

The on-going interplay of prominent natural resources and man-made attributes constitutes a significant factor in defining the visual character and quality of life in the City of Hamilton. In order to ensure that these amenities are maintained and enhanced in the realization of the Land Use and Management Strategy, complementing policy direction is required.

While many aspects of AMENITY AND DESIGN are rather subjective, it is the intent of this Plan to detail a STRATEGY premised on accepted fundamental considerations, with sufficient policy direction to enable Council to proceed further in maintaining a quality environment. Accordingly, it is intended that the STRATEGY provide:

- guidelines for the provisions of Community Services;
- measures to ensure Safety to persons and property;
- policies for the provision and preservation of vegetation;
- guidelines for Pollution control and abatement;
- measures for the Maintenance of public and private properties;
- policies to enhance the Residential Environment and to ensure that an appropriate supply of Housing may be provided to meet the changing requirements of the community; and,
- provisions to preserve and utilize the Architectural and Historical resources of Hamilton to enhance the visual character of the City.



SUBSECTION C.1 - COMMUNITY SERVICES

The provision of adequate COMMUNITY SERVICES at a rate commensurate with anticipated growth is essential to enhance the quality of life enjoyed by the residents of the City of Hamilton. This will depend, in great measure, on the degree to which COMMUNITY SERVICES such as Parklands and recreation, Schools and Libraries are provided to satisfy the needs of the various segments of the population. Accordingly, where appropriate, the adequacy and required levels of these services will be determined by relating the design population of Planning Units (Neighbourhoods) to recognized standards.

- 1.1 It is the intent of Council to ensure that adequate levels of suitably distributed COMMUNITY SERVICES be provided to satisfy the changing requirements of Hamilton residents. In the provision of services such as Parklands, Schools and Libraries, Council will, in addition to the provisions herein, be guided by the appropriate policies set out in Subsections A.2.4, A.2.6, B.3.4 and D.2 of this Plan.

SUBSECTION C.1.1 - PARKLANDS

It is the general intent of this Plan to develop a comprehensive, integrated system of PARKLANDS compatible with the attributes of the City. Further, the Plan promotes bicycle and pedestrian pathways and green space corridors as integral parts of the PARKS System because of their roles as functional and visual links.

- 1.1.1 In order to ensure the provision of adequate amounts of PARKLAND, Council will promote the development of a hierarchy of PARKS throughout the City commensurate with the needs of area residents. In this regard, the following guidelines will be utilized in the determination of these needs:

PARKLAND HIERARCHY	PARKLAND OBJECTIVE PER 1,000 POPULATION SERVED (HECTARES)
Neighbourhood Park	Not less than .5
Community Park	Not less than .5
City-wide Park	Not less than 2.0
Metropolitan Park	No minimum -
	Total 3.0+

- 1.1.2 METROPOLITAN PARKS are considered to be an important category in the hierarchy of PARKLANDS. For example, the Bruce Trail may be deemed to be a METROPOLITAN PARK having an appeal and attraction extending beyond the City. The inclusion of this level is not intended to indicate a requirement on the Region for provision or management of this level of PARKLAND.

- 1.1.3 The area requirements for PARKLAND will be taken only as minimum guides which may be exceeded where warranted. Accordingly, the location, area and required facilities of PARKS will be identified in Secondary Plans and will be based on a number of considerations, including but not limited to:

- i) Population Characteristics (density, age breakdown, ethnic considerations and income);
- ii) Accessibility (including the nature of alternative recreation opportunities in the area);

- iii) Characteristics of Residential development;
- iv) Public input and expressed requirements;
- v) Locations having site characteristics which lend themselves to recreational use or retention in a natural state;
- vi) In neighbourhoods which are less than 30% developed, the minimum PARKLANDS standards will apply for Neighbourhood-oriented parks;
- vii) In neighbourhoods which are more than 30% developed and where there is a deficiency of PARKLAND, the amount of land that can reasonably be acquired will be determined and set out in a Secondary Plan; and,
- viii) In areas where a deficiency of PARKS has been identified, the City will encourage co-operation from local School Boards in the sharing of existing school grounds to supplement the supply of PARKLANDS. Accordingly, joint-use agreements may be made between the City and the affected School Board. The sharing of land will not alter the degree that PARKLANDS in a particular area remain deficient, but will merely supplement existing facilities until more PARKLAND areas can be provided.

1.1.4 Where feasible through the preparation of Secondary Plans, existing Institutional uses will be utilized as "area recreation centres" to serve residents of adjacent neighbourhoods. Accordingly, Council will encourage and co-operate with the appropriate agencies in the utilization of facilities such as schools, churches and libraries for public use beyond normal operating periods. Council may further consider acquisition of such facilities as may be (come) surplus to the direct requirements of these agencies. It is not intended that the use of such facilities will alter the degree of deficiency in PARKLAND remaining in a particular area.

1.1.5 Where feasible and deemed appropriate, NEIGHBOURHOOD PARKS will be provided and developed in accordance with the following provisions:

- i) A NEIGHBOURHOOD PARK will be provided in each Residential neighbourhood to serve the specific interests of local area residents; will be located preferably adjacent to elementary schools, and within walking distance of the residents of their service areas;

- ii) Larger NEIGHBOURHOOD PARKS will contain outdoor facilities for all age groups in their service area and will have provisions for active and passive use areas; and,
- iii) Smaller NEIGHBOURHOOD PARKS (i.e., parkette or tot-lot) will serve a particular sector of the populous as determined by Council to be necessary, and will be primarily either active or passive.

1.1.6 Where feasible and deemed appropriate by Council, COMMUNITY PARKS will be provided and developed in accordance with the following provisions:

- i) COMMUNITY PARKS will provide a variety of outdoor and indoor facilities to meet a wider range of recreation interests than the Neighbourhood level of PARKS:
- ii) COMMUNITY PARKS may, where feasible, be located in conjunction with natural areas or adjacent to secondary schools;
- iii) In addition to the equipment exclusively associated with a COMMUNITY PARK, Neighbourhood level equipment will be provided to complement the community-scale facilities and to serve residents of all ages of the immediate area where no alternative Neighbourhood facilities are available; and,
- iv) COMMUNITY PARKS will be designed and located so as to be accessible by private and public transportation.

1.1.7 Where feasible and deemed appropriate, CITY-WIDE PARKS will be provided and developed in accordance with the following provisions:

- i) CITY-WIDE PARKS will provide the residents of the City with natural areas in which they can engage in a variety of recreational activities, or will serve as focal points for major outdoor civic activities or provide specialized facilities such as stadia, arenas, golf courses, and where deemed warranted by Council, may also include facilities for picnicking and camping;
- ii) CITY-WIDE PARKS will be accessible by both public and private transportation; and,

iii) In the development or redevelopment of arenas, stadia, golf courses or similar major recreation facilities, Council will be satisfied that the facility:

- a) will not generate unacceptable increase in traffic movements through adjacent Residential areas;
- b) is readily accessible from major roads;
- c) is designed at a scale and in a manner which minimizes impacts with adjacent land uses; and,
- d) is provided with adequate on-site, off-street parking.

1.1.8 Further to the intent of Subsection B.3.4 to this Plan, where feasible, lands such as along watercourses or utility easements may be added to the PARKLANDS System to establish a continuous system of walkways, paths and other "links" to facilitate direct access to parks and other pedestrian destination "nodes" within the City. These "links" will be free of structures other than those necessary for the primary utility function, or as an adjunct to the recreational use. Further:

- i) Lands along watercourses will be preserved in a continuous and natural state where appropriate, and be readily accessible to area residents, where possible; and,
- ii) Where improvements to the drainage pattern of watercourses are undertaken, consideration will be given to the preservation of existing vegetation and the integration of these improved watercourses into the PARKLANDS System by means of suitable grade variations and landscaping treatment which will be utilized, where practicable, in conjunction with any engineering works or flood-relief program initiated for the watercourses.

1.1.9 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region in determining the requirements of regionally-significant recreation areas. In addition, Council will partake in any recreation study that might be initiated by the Region.

- 1.1.10 It is the intent of Council to co-operate with the Conservation Authorities, the Royal Botanical Gardens, the School Boards and any other public agency which may have an interest in recreation or the acquisition of PARKS, to integrate the local inventory of PARKLANDS within the larger system of recreational areas in the Region.

SUBSECTION C.1.2 - SCHOOLS

Recognizing that the responsibility for SCHOOLS is vested with the Hamilton Board of Education and the Hamilton-Wentworth Roman Catholic Separate School Board, it is the general intent of this Plan to provide information on which decisions for the provision of SCHOOLS may be based. It is intended that SCHOOLS be located so that they are accessible to all children with a minimum exposure to traffic hazards. Where feasible in the newly-developing areas of the City, it is intended that SCHOOL facilities be integrated into the general design of the neighbourhood and be developed in conjunction with a neighbourhood park so that they may operate together as a unit to maximize the use of the facilities by residents in the immediate neighbourhood area.

1.2.1 It is the intent of Council to co-operate with the School Boards where new SCHOOL facilities may be contemplated and encourage the Boards to consider the following site factors where feasible:

- i) A location close to the centre of the Neighbourhood or the area to be served, but reasonable variations may be made in locations to permit integration with Neighbourhood Parks or other public facilities;
- ii) A site of sufficient size to accommodate reasonable future expansion to the facility when warranted; and,
- iii) Where new public and separate SCHOOLS are required to serve a particular area, consideration should be given to locate these in such a manner that the sharing of facilities can be achieved in a campus-like setting to optimize the use of a common site, parking and playground and to take advantage of economies in construction and maintenance that may be gained thereby.

1.2.2 In developed Neighbourhoods where an older SCHOOL is to be replaced or relocated, the appropriate School Board will be encouraged to improve the level of service in the area by means such as, but not limited to, modification of SCHOOL district boundaries or expansion of existing SCHOOLS nearby to improve accessibility by the student population.

SUBSECTION C.1.3 - LIBRARY SERVICES

While it is intended that the existing inventory of LIBRARY SERVICES continue to serve City residents, auxillary facilities may be required when both population growth and user demands warrant. Since it is difficult to anticipate this demand by identifying the number and location of auxillary LIBRARY SERVICES, it is the intent of this Plan to provide policy direction to assist decision-making for this eventuality to optimize their distribution and accessiblity relative to users.

1.3.1 Should established LIBRARY facilities become functionally and locationally inadequate to serve area residents due to population growth and user demands, Council will encourage the Hamilton Public Library Board to provide alternative or additional branch libraries in accordance with the following provisions:

- i) A location central to the area to be served and readily accessible by both pedestrian and vehicular modes of transport will be preferred;
- ii) Where a new public or separate School is contemplated to serve a similar area as a LIBRARY, every effort will be made to locate these in such a manner that the sharing of facilities can be achieved to optimize the use of a common site and parking; and,
- iii) Where feasible and in co-operation with the appropriate School Board, the public use of existing School LIBRARY facilities after regular school hours will be encouraged.

1.3.2 The Hamilton Public Library Board will be encouraged to continue to co-operate with the Niagara Regional Library System in order to maximize and enhance the level of service to City residents.

SUBSECTION C.2 - SAFETY AND CONVENIENCE

In achieving the Land Use and Management Strategy set out in this Plan, Council recognizes the necessity of achieving SAFETY AND CONVENIENCE for all residents of the City. Accordingly, policies are provided which may directly benefit the community, and which are intended to complement the normal functions of local protective service agencies.

- 2.1 Council will encourage co-operation amongst public agencies, private landowners and municipal protective services to ensure the provision and maintenance of adequate access to all properties to facilitate effective emergency service.
- 2.2 Council will consider appropriate by-laws, encouragement or other actions which may be deemed to have potential in maintaining security to persons or property. In this regard, consideration may be given to matters such as, but not limited to, the following:
 - i) Review and/or establishment of adequate illumination standards in parking garages, alleyways or other high-risk areas;
 - ii) The use of light-coloured building materials and finishes along alleyways to facilitate nighttime surveillance;
 - iii) The use of glass doors in such low-visibility areas as stairways, parking garages, elevator foyers, etc.;
 - iv) The location of cashier counters and limitations on the obscuring of windows by promotional material in stores licenced for late operation; and,
 - v) Ensuring that low-traffic areas in Shopping Centres such as washrooms, stairwells, elevators, telephone locations and hallways are designed to be in close proximity to the general activity areas of the development.

2.3 Council will endeavour to foster personal mobility through measures such as, but not limited to:

- i) The ramping of sidewalks
- ii) The requirement of adequate access by ramps, elevators or other means to all publicly-accessible buildings;
- iii) The reservation of conveniently-located parking spaces at civic buildings for use by the physically disabled, and encouragement for the provision of such parking at all other public and private buildings; and,
- iv) Co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled.

SUBSECTION C.3 - TREE PLANTING AND LANDSCAPING

It is the intent of this Plan that the streetscape be enhanced by the retention of existing vegetation, the promotion of the widespread growth of TREES and the provision of LANDSCAPING. In general, a program of planting, preservation and landscaping will be encouraged to enhance the amenity and appearance of the City.

- 3.1 In all public works, no TREES will be removed unnecessarily and TREES that must be removed for the purpose of public works installations will, where desirable and practicable, be replaced as soon as possible to enhance the final appearance of these installations.
- 3.2 When considering a Plan of Subdivision or any other development proposal, Council may require that the owner enter into an agreement whereby:
 - i) Only such TREES that would directly impede the construction of buildings and services may be removed, and if so, the developer will replace them in reasonable time by TREES of similar species and of sufficient maturity to enhance the appearance of the subdivision when completed;
 - ii) A reasonable minimum number of TREES and/or other suitable vegetation per lot may be required of the developer regardless of the state of the area prior to being subdivided or developed;
 - iii) Existing trees which are not removed will be adequately protected during the construction process, and the roots protected to ensure continued growth; and,
 - iv) Where parking lots and other large open spaces are provided, and in open areas around Commercial, Major Institutional and other large buildings, Council will encourage, and may require as a condition of development or redevelopment, the provision of LANDSCAPING and TREE PLANTING sufficient to enhance the physical appearance of the site and surrounding lands.

SUBSECTION C.4 - POLLUTION

It is the intent of Council that POLLUTION of the air, water and land in its many forms be prevented, mitigated or otherwise controlled.

- 4.1 Council will encourage appropriate Provincial and Federal agencies, including any International Joint Commission, to achieve a continuing reduction in levels of POLLUTION originating beyond the Region.
- 4.2 Council will control domestic, commercial, industrial and other sources of POLLUTION by appropriate by-laws or other means as may be provided for in Provincial Statutes.
- 4.3 No development will be permitted unless it is of a standard that will conform with the current policies of the Provincial Government regarding air, noise and water pollution.
- 4.4 Council will encourage and co-operate with all relevant agencies to reduce levels of POLLUTION in Lake Ontario, Hamilton Harbour, Cootes Paradise and watercourses within the City. Further, Council will co-operate with the Region to ensure that all effluent discharged into these waters by industry, storm sewers, the municipal sewage treatment plant or from other municipal sources will be of sufficient quality to satisfy the minimum standards established by the Ministry of the Environment for recreational use of these waters.
- 4.5 Council will encourage the appropriate agencies to ensure that landfill sites which are exposed to the erosional forces of wind and/or wave action are adequately secured and/or landscaped.
- 4.6 Council may require, as a condition of development or redevelopment, measures to mitigate generation of POLLUTION, such as but not limited to:
 - i) Daily removal of tracked debris from roads serving a construction site;
 - ii) A reasonable guarantee for the completion of resodding, paving or other measures to stabilize exposed soils; and,

- iii) The expeditious removal of demolished buildings and structures.

4.7 Notwithstanding the provisions of Subsection B.3.3, Council will require that all permanent parking areas be hard-surfaced with a suitable dust-free material, and further, that temporary parking areas be gravelled and treated with appropriate dust controlling agents.

4.8 Council will minimize the re-entrainment of dust from municipal roads, and will encourage the Region to do the same for roads under its jurisdiction, by means such as, but not limited to:

- i) Regular cleaning of roads and sidewalks;
- ii) Minimize speed limits on unpaved roads; and,
- iii) Application of dust control agents on unpaved roads.

SUBSECTION C.5 - PROPERTY MAINTENANCE AND MUNICIPAL HOUSEKEEPING

It is the intent of Council to encourage the development and maintenance of an efficient and pleasing environment for living, working and the pursuit of all other activities. In order to do so, this Plan attempts to maintain existing development in good repair, improve the quality of development that has deteriorated, replace development that has declined to the point where it cannot be satisfactorily and economically rehabilitated, and to control the quality of new development.

- 5.1 Council will endeavour to maintain and improve the condition of all properties through enforcement of its Zoning, Building and Health By-laws.
- 5.2 Council will enforce by-laws pursuant to The Planning Act:
 - i) Setting forth Property Standards for the maintenance and occupancy of all property within the City;
 - ii) Prohibiting the use or occupancy of any property that does not conform to the standards;
 - iii) Requiring property to be repaired and maintained to comply with those standards; and,
 - iv) Requiring lands cleared of buildings or structures to be left in a graded and levelled condition and free of debris or refuse.
- 5.3 Council will endeavour to raise the standards of new development, both intrinsically and in relation to the immediate environment, through the strengthening and wider application of Development Control policies pursuant to The Planning Act.
- 5.4 On its own initiative and complementary to the enforcement of Property Standards on private properties, Council will undertake to keep in a fit and well-maintained condition all municipal properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, water and sewage facilities and other public works.

SUBSECTION C.6 - HISTORIC AND ARCHITECTURAL RESOURCES

The intent of this Plan is to sensitively manage the wealth of local resources. It is intended that those resources of HISTORIC AND ARCHITECTURAL merit will be preserved, where feasible, and to enhance the character and heritage of Hamilton. However, preservation alone may clutter the City with functionally obsolete or static structures. Accordingly, it is further intended that appropriate measures be established to meld preservation with rehabilitation to ensure that these resources will be recycled for active use and be instrumental in setting the visual character of the City.

- 6.1 In accordance with the intent of the Regional Official Plan, Council will consult with the Local Architectural Conservation Advisory Committee to advise in matters relating to ARCHITECTURAL conservation. In particular, this Committee may be required to periodically identify and catalogue buildings of ARCHITECTURAL AND HISTORIC significance that are worthy of preservation through individual designation as Buildings of Historic or Architectural Value under the provisions of The Ontario Heritage Act.
- 6.2 In accordance with the intent of the Regional Official Plan, Council, in consultation with the Local Architectural Conservation Advisory Committee, may designate a Heritage Conservation District under the provisions of The Ontario Heritage Act where it has been determined that some or all of the following characteristics have been identified:
 - i) The majority of the buildings reflect an aspect of local history by nature and historical significance of setting;
 - ii) The majority of the buildings are of a style of architecture or method of construction significant historically or architecturally to the City, Region or Province;
 - iii) The district contains other important physical, environmental or aesthetic characteristics that in themselves, are not sufficient for designation, but which lend support in evaluating the criteria for designation; and,

- iv) The district is in an area of special association that is distinctive within the City and as a result, contributes to the character of the entire community.
- 6.3 Prior to the designation of a Heritage Conservation District, Council will meet the following provisions:
- i) Pass a by-law of intent to define and investigate an area;
 - ii) Prepare and adopt a Heritage Conservation District Plan which will encourage conservation through controls and incentives, and establish criteria for controlling demolition and regulating design; and require the endorsement of the Ministry of Culture and Recreation; and,
 - iii) Pass a by-law designating the area as a Heritage Conservation District, subject to Ontario Municipal Board approval which will permit the City to regulate architectural design within the District.
- 6.4 In accordance with the intent of the Regional Official Plan, Council will fully co-operate with the Region and/or any Regional Heritage Foundation that may be established in the management of regional HISTORICAL resources.
- 6.5 Major development or redevelopment will not take place within or in close proximity to Residential areas having HISTORICAL or ARCHITECTURAL merit, where Council determines that such development or redevelopment will detract from or indirectly impair the character, quality, amenities or stability of the Residential areas.
- 6.6 Encouragement may be given to Commercial development schemes in appropriate locations proposed to incorporate a building or group of buildings with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and are, therefore, under-utilized or vacant.

SUBSECTION C.7 - RESIDENTIAL ENVIRONMENT AND HOUSING POLICY

It is the general intent of this Plan to promote a high standard of RESIDENTIAL and urban amenity and the provision of an ample and varied supply of dwelling types to cater to the needs of all income groups. While it is expected that single-family housing will continue to be the dominant housing requirement, a latent demand for multiple-family housing is recognized. In providing for these demands, an amenable mixture of densities and an arrangement that will minimize conflicts between different forms of housing is desired.

7.1 In the development of new RESIDENTIAL areas and as far as practicable in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;
- iv) Acquisition, removal or improvement of buildings or uses incompatible with a zoning district;
- v) Provision of advice and assistance in the improvement and maintenance of private dwellings;
- vi) Investigation into and application of other methods of encouraging the maintenance and improvement of buildings in RESIDENTIAL areas;
- vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial uses; and,
- viii) Other similar actions or matters as Council may deem appropriate.

7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- i) Encourage the maintenance of RESIDENTIAL properties subject to the provisions of Subsection C.5;
- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
- iii) Encourage Residential development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
- v) Support the concept of an accessible Residential community throughout Hamilton and will encourage the development of a wide range of residential care and short-term facilities;
- vi) Encourage the rehabilitation of dwellings as an alternative to demolition in appropriate locations and instances, having regard to the preservation and maintenance of the amenity of the Residential area; and,
- vii) Encourage development at densities conducive to the operation of public transit and which utilize designs or construction that are energy efficient.

7.4 When reviewing proposed Plans of Subdivision and Secondary Plans, Council will consider:

- i) The existing supply of land designated for Residential use remaining undeveloped throughout the City in light of the Staging Policies of Subsection B.1; and,
- ii) The housing targets established by Council.

7.5 Council will annually monitor the supply and production of new housing, update housing targets, revise priorities and/or identify POLICY changes in order to better achieve the housing targets.

- 7.6 To accommodate changing housing market demands, Council, when considering the changes described in Policy D.7.5 above, may also:
- i) Revise current or prescribe new practices and procedures for the detailed pre-design of Planning Units by Secondary Plans;
 - ii) Initiate amendments to the Restricted Area (Zoning) By-law; and,
 - iii) Establish as a density standard for the preparation of Secondary Plans "dwelling units per net Residential hectare".
- 7.7 For the purposes of making the above changes, Council will include the following:
- i) The extent to which overall higher densities of RESIDENTIAL dwellings has been achieved in developing Neighbourhoods;
 - ii) The trends in persons per unit based on the type of dwelling unit; and,
 - iii) The number of dwelling units required to accommodate up to ninety (90) persons per gross hectare of Residentially-designated land.
- 7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new Residential developments adjacent to Arterials or Inter-Regional Highways.
- 7.9 Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterials or Inter-Regional Highways. In this regard, "outdoor recreational space" will mean the outdoor living area immediately adjacent to a Residential dwelling, intended for the private outdoor use of the occupants.
- 7.10 Council will require the developer of proposed Residential development adjacent to the proposed east-west and north-south transportation facility to provide evidence that the noise levels in outdoor recreational space, after applying appropriate noise attenuation measures, is the lowest level practicable. Residential development will only be permitted where attenuated noise levels in outdoor

recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.

- 7.11 For the purposes of the above, "noise levels" will be the A-weighted 24-hour equivalent L_{eq} sound level based on either the Average Annual Daily Traffic (AADT) data, or where available, the Summer Annual Daily Traffic (SADT) data, whichever is the higher.
- 7.12 Noise attenuation measures will include, but not be limited to, the following:
 - i) Orientation of habitable rooms or outdoor recreational space with respect to noise sources;
 - ii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between source and receivers;
 - iii) Building setbacks;
 - iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,
 - v) The use of suitably-designed higher-density Residential structures.
- 7.13 Council will co-operate with and encourage the Ministry of Transportation and Communications to achieve an attenuated sound level as low as practicable below 70 dBA where a major road is proposed to be built or expanded through or adjacent to a designated RESIDENTIAL area.
- 7.14 Council will encourage the Province to investigate and establish appropriate guidelines to attenuate the transmission of noise from Arterials and Inter-Regional Highways into the interior spaces of Residential dwellings. Additional policies in this regard will be incorporated through amendment to this Plan.
- 7.15 Where noise levels are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed

RESIDENTIAL development, that future tenants or purchasers are advised that despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be registered on title or included as a clause in any Lease or Rental Agreement.

- 7.16 Where new RESIDENTIAL development for which noise control measures will be required precedes the construction or reconstruction of an Arterial or Inter-Regional Highway, Council may require, as a condition of approval, that:
- i) Sufficient lands be conveyed at no cost or by easement for the erection of a noise barrier; and,
 - ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of a noise barrier, where deemed appropriate by Council.
- 7.17 On receiving an application for proposed RESIDENTIAL development within one (1) kilometre of the edge of an existing or proposed Arterial or Inter-Regional Highway rights-of-way, Council will:
- i) Encourage the proponent to contact the Ministry of the Environment for guidance in the attenuation of noise impacts on outdoor recreational space; and,
 - ii) Require the proponent to comply to any regulation or measure as may be prescribed by the Ministry.
- 7.18 In any evaluation of noise levels for the purposes of the provisions of this Subsection, due consideration will be given to forecast increases in noise levels for at least ten (10) years.

SUBSECTION C.8 - ENERGY

It is the intent of this Plan to promote ENERGY conservation in all areas of the City. Accordingly, development will be encouraged which minimizes ENERGY consumption and emphasizes the use of renewable ENERGY sources.

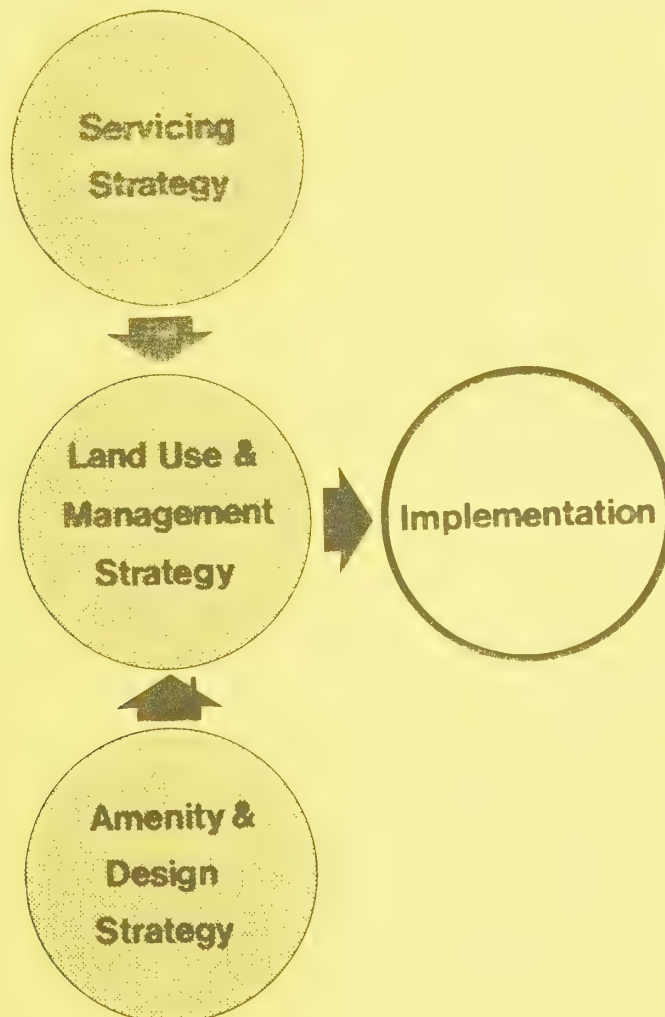
- 8.1 To promote ENERGY efficiency in the growth and management of the City, Council will endeavour to achieve the following:
- i) Investigate and evaluate existing development practices and identify where new and innovative ENERGY efficiency measures, such as the use of the sun as an ENERGY source, can be introduced by the development industry;
 - ii) Encourage proponents of future development and/or redevelopment to adopt and incorporate in their proposals ENERGY saving measures to optimize the use of ENERGY sources;
 - iii) Seek legislative powers to require design criteria in development and redevelopments that ensure ENERGY conservation;
 - iv) Formulate ENERGY-oriented planning policies, with particular emphasis on mixed use, compact and higher-density development and any other ENERGY-efficient development forms;
 - v) Co-operate with the appropriate public and private agencies to inform the public of ENERGY concerns and promote ENERGY conservation;
 - vi) Co-operate with other levels of government and private industry to assess the merit of new and innovative ENERGY conserving measures applicable to the City;
 - vii) Promote the reduction of ENERGY consumption and dependency on non-renewable ENERGY sources, particularly in all City-owned, maintained and/or operated facilities;
 - viii) Encourage greater use of public transit facilities as a means of conserving ENERGY; and,

- ix) Co-operate with the Region to develop an efficient waste recycling program to protect and conserve the supply of natural resources and ENERGY.

Section D: Implementation

The procedure for the IMPLEMENTATION of the policies set out in this Plan will generally be through successively more detailed steps in the planning process, particularly Secondary Plans and Restricted Area (Zoning) By-laws. Secondary Plans may be undertaken, following adoption of this Official Plan in which the general policies set out here are refined and amplified. More specific procedures will be followed through powers given to the City through The Planning Act, The Municipal Act and other applicable statutes.

The prime effect of this Plan will be on public works, whose conformance with it is mandatory, and on land use and development which will be regulated through a Restricted Area (Zoning) By-law. To be fully and properly effective, the policies will require the full co-operation of the Municipal, Regional and Provincial governments. The policies have been predicated on this assumption and the formal process of adoption by Council and approval by the Region and the Minister of Housing will be taken as evidence of commitment to the objectives and policies herein. In order that it may be kept up to date and the need for additional studies determined, the Plan will be subject to a comprehensive review at not longer than five-year intervals.



SUBSECTION D.1 - REGIONAL OFFICIAL PLAN

In keeping with the requirements of Bill 155, An Act to Establish the Regional Municipality of Hamilton-Wentworth, it is intended that this Plan and subsequent implementing procedures conform with the REGIONAL OFFICIAL PLAN.

- 1.1 It is the objective of Council that this Plan, subsequent amendments, Secondary Plans and by-laws conform with the REGIONAL OFFICIAL PLAN.
- 1.2 Council will not approve amendments to this Plan, Secondary Plans or by-laws which do not conform with the REGIONAL OFFICIAL PLAN, and may request initiation of amendments to the Regional Official Plan when warranted.
- 1.3 Proposed amendments to this Plan and implementing Secondary Plans and by-laws will be circulated to the Region of Hamilton-Wentworth for its consideration and for certification of conformity to Regional policy.

SUBSECTION D.2 - PLANNING UNITS AND SECONDARY PLANS

To provide a geographical basis for the more detailed planning of Hamilton, the City is divided into a system of PLANNING UNITS. This system is designed to provide a framework for the administration of this Official Plan and for the successive stages in its Implementation. It also forms a basis for the maintenance of statistical and other support data, and for co-ordinating the provision of services and community facilities with anticipated population growth.

The make-up of the PLANNING UNITS is designed to reflect the existing development pattern, as well as major physical features and land use concentrations. It is the general intent of the Plan that the identity of the PLANNING UNITS will be enhanced and that all development will be planned in ways which will improve this identity.

PLANNING UNITS will contain a mixture of low, medium and in some areas, higher density dwelling types. The range of densities will be determined in accordance with the needs of the population identified from time to time, and at an overall density standard which takes into account the availability of existing or planned commercial and community facilities, capacity of schools, public services, and the adequacy of public open space to serve anticipated residents of the Neighbourhood.

- 2.1 It is intended that the detailed implementation of the land use policies of this Plan will be carried out through a system of PLANNING UNITS, or Neighbourhoods, as identified in Schedule "G". These PLANNING UNITS average 80 hectares in size and are generally defined by the grid-iron pattern of major roads, by natural features and/or by the Municipal boundary.
- 2.2 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi-Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:
 - i) Provide for sufficient Shopping Centre-Commercial development to serve the community, subject to the policies set out in Subsection A.2.2;

- ii) Ensure the integration of related community facilities, such as libraries, secondary schools, parks, churches or community centres, as well as multi-family residential development;
 - iii) Encourage the development of land uses providing employment opportunities for residents of the community;
 - iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency; and,
 - v) Detail the distribution of land uses through Secondary Plans, subject to necessary amendments to this Plan.
- 2.3 It is intended that each PLANNING UNIT which is substantially designated for Residential purposes on Schedule "A" will be developed with a focus which may consist primarily of a School and/or Park in the interior of the Neighbourhood, as well as an adequate complement of appropriate Institutional and Commercial facilities, and a variety of dwelling types.
- 2.4 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of SECONDARY PLANS. Council will, when preparing SECONDARY PLANS, be guided by, and further, will ensure that all new development or redevelopment complies with the provisions of this Plan.
- 2.5 SECONDARY PLANS for the PLANNING UNITS will indicate the location of proposed Arterial, Collector and Local roads; the location of community facilities such as park areas, open spaces and school sites; the location and extent of lands set aside for Commercial or Institutional purposes; the distribution and mix of housing of varying densities; and the location of major engineering services and public utilities. When preparing SECONDARY PLANS, Council will consider the following:
- i) The preferred location for new Residential development or redevelopment will be:
 - a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads; and,

- b) for low-density uses on Local and Collector roads, with preference given to access by these roads only;
- ii) That Residential development or redevelopment will be properly protected from conditions which Council determines may directly or indirectly have a noxious or otherwise detrimental effect on the health, safety or welfare of the residents;
- iii) That all buildings, structures, facilities, services and any thing or matter that may cause the conditions referred to in clause D.2.5.ii) above will be designed in such a manner as to be in keeping with the character of the Residential development or redevelopment;
- iv) Encouragement for the provision of maintenance of multi-level parking facilities, preferably underground, for high-density Residential development which may serve to provide increased on-site open space and buffering for adjacent uses. Such facilities will be designed in a manner satisfactory to Council that provides adequate precautions for the safety of users;
- v) In the design of developing Residential Neighbourhoods, the street pattern and subdivision layout will be to the satisfaction of Council, energy efficient, provide access to all areas, and will:
 - a) discourage through-traffic internally;
 - b) discourage direct access off major roads to Neighbourhood parks and schools;
 - c) where appropriate, identify measures to mitigate the impact of rail and vehicular noise on existing and proposed Residential development; and,
 - d) be sensitive to the protection and utilization of natural or man-made features having cultural, aesthetic or other value;
- vi) The establishment of pedestrian access from Residential development to:
 - a) Neighbourhood parks and schools internally within the Neighbourhood; and,
 - b) public transit routes, commercial nodes, churches or similar land uses;
- vii) No new Residential development or redevelopment will be located so as to be subjected to the impacts of through-industrial traffic or any

other heavy traffic flows unless it is suitably protected by buffers, setbacks or other such measures to the satisfaction of Council;

viii) The preferred location and development of Residential dwellings will be in proximity to, or will be coincidental with the planning for and provision of the following to accommodate the probable requirements of prospective residents:

- a) Public Open Space;
- b) Recreation and Community facilities;
- c) Educational facilities;
- d) Commercial services;
- e) Engineering Services; and,
- f) Other like facilities for which Council is responsible, which are required to be provided or contributed to by a development or redevelopment, or which Council otherwise deems to be necessary; and,

ix) The preferred location for Residential redevelopment within developed Residential Neighbourhoods will be where the redevelopment does not, in the opinion of Council, impose an undue load to such existing facilities mentioned above.

2.6 A SECONDARY PLAN will be required to be prepared prior to the development of undeveloped Neighbourhoods, the undertaking of any major redevelopment, or where any major proposal will have the potential effect of substantially altering the pattern of land use in the PLANNING UNIT affected, subject to the policies herein. However, such a Plan will be required in an undeveloped Neighbourhood where development would be in the form of infill.

2.7 During the preparation of a SECONDARY PLAN, Council will, in accordance with its established practice, solicit the participation of Neighbourhood residents, property owners and other interested groups in order to obtain their views on the development and/or redevelopment of the PLANNING UNIT under consideration.

2.8 SECONDARY PLANS will be adopted by resolution of Council, and may be revised from time to time. Accordingly, no formal amendment will be required to this Plan unless the SECONDARY PLAN does not conform to the general intent of the Official Plan.

- 2.9 When considering development proposals, subdivisions, street works, other public works and any other municipal actions or approvals, Council will refer to and be guided by adopted SECONDARY PLANS.
- 2.10 In the formulation of SECONDARY PLANS, the Region, all affected local boards, authorities or other bodies will be invited to make known their requirements to Council for any PLANNING UNIT in which they expect to be engaged in public works. In addition:
- i) When these requirements have been established as far as possible, every effort will be made to co-ordinate those works that may form a focus or centre for the respective PLANNING UNIT; and,
 - ii) The requirements of the authorities involved will be co-ordinated so that a high standard of civic design may be achieved through appropriate landscaping between any conflicting functions and, economies of the use of land, parking and facilities.

SUBSECTION D.3 - RESTRICTED AREA (ZONING) BY-LAW

When this Plan has been adopted, amendments to the RESTRICTED AREA (ZONING) BY-LAW will be introduced for the purposes of conformity. It is intended that land not be pre-zoned in order that site plans and other details will be previewed prior to development going ahead so that amenity and design, population density, public works requirements, environmental concerns and all other related policies of this Plan or any Secondary Plan in effect may be reviewed and appropriate zoning regulations applied.

- 3.1 In general, it is intended that this Plan will be implemented by the RESTRICTED AREA (ZONING) BY-LAW. Accordingly, development proposals will be required to comply with this Plan or any affected Secondary Plan; and where necessary, will require an amendment to the RESTRICTED AREA (ZONING) BY-LAW to ensure conformity. However, where appropriate, Council will utilize its powers of Development Control through Site Plan approval and design guidelines pursuant to The Planning Act for the purposes of implementing certain aspects of this Plan.
- 3.2 Special zoning provisions may be established where road widening, access, parking, amenity provisions, design characteristics, public works and other related matters are required or need to be maintained. Further:
 - i) Agreements will be entered into and enforced to ensure that the policies applicable to these matters in this Plan are implemented; and,
 - ii) The issuance of building permits may be prohibited until the above agreements have been entered into and it is established that the policies in this Plan have been complied with.

- 3.3 Council will enact a RESTRICTED AREA (ZONING) BY-LAW to control the use of land within and abutting Environmentally Sensitive Areas as shown on Schedule "C" to the existing use. Further:
- i) Prior to a change in the RESTRICTED AREA (ZONING) BY-LAW, Council will be satisfied that the proposed change is compatible with the preservation of the Environmentally Sensitive Area. For this purpose, Council may further require a Feasibility Study and Impact Analysis in keeping with the Special Provisions for Environmentally Sensitive Areas detailed later in this Section of the Plan; and,
 - ii) Prior to granting any change, Council may consider entering into agreement with the owner to preserve all or part of the Environmentally Sensitive Area in a natural or undisturbed state.

SUBSECTION D.4 - FINANCIAL STABILITY

In implementing this Plan, it is essential that the municipal tax base be protected and that sufficient funds are generated to maintain and improve the levels of public works. Accordingly, further developments may be scrutinized for their financial impact. Developments that are shown to have adverse implications for the financial health of the municipality will be considered contrary to the intent of this Plan.

- 4.1 If residential developments or **redevelopments** are proposed in areas where Secondary Plans do not exist, Council, as a pre-condition for development approval and amendment to this Plan, may require a financial impact statement that will show the effects on:
 - i) The net long-term debt liabilities and the annual charges for these;
 - ii) The assessment ratio and per capita assessment;
 - iii) The costs for social services; and,
 - iv) The existing mill rates and taxation levels.
- 4.2 Where any major development proposal is considered to have a potential adverse effect on the municipal assessment base or tax levels, Council will require the developer to:
 - i) Secure appropriate non-residential developments that will offset the adverse effects; or,
 - ii) Agree, by way of subdividers agreement, to the payment of a levy which, in the opinion of the Municipality, will offset the adverse effects.
- 4.3 If an agreement with the developer cannot be reached in accordance with the previous paragraph, the developer will be required to:
 - i) Modify the proposal so as to mitigate or eliminate the adverse effects; or,

- ii) Defer implementation of the proposal until the financial circumstances of the Municipality improve to the extent that the proposed development will not adversely affect the Municipality in respect of the matters set out in this Subsection.

SUBSECTION D.5 - MUNICIPAL LAND ACQUISITION

In certain circumstances, it may be expedient for Council to acquire land and subsequently, to hold, sell or lease the land for the purpose of developing particular features or implementing particular policies of this Plan.

- 5.1 Council may acquire land from time to time in order to implement appropriate features of this Plan. In general, this will be done pursuant to the provisions of The Planning Act which permits acquisition of land for this purpose, except where more specific legislation may also serve; thus the City may ACQUIRE land pursuant to:
- i) The Housing Development Act to promote an orderly housing market and to facilitate housing projects and home ownership;
 - ii) The Planning Act for redevelopment purposes which will include the relocation of Non-Conforming uses;
 - iii) The Ontario Heritage Act for the preservation of Historically or Architecturally significant buildings;
 - iv) The Municipal Act for the purpose of providing off-street automotive Parking lots and Highway acquisition; and,
 - v) The Planning Act for the purpose of providing Park space.
- 5.2 All lands dedicated under the 5% provision for Parks purposes as provided for in The Planning Act and any other dedication of land to the City will be adequately drained and transferred to the City in an acceptable condition. In this regard, existing vegetation will be in an undisturbed condition and the site will be free of debris with top soil intact. Further:
- i) No person will deposit, place or store upon these lands any stone, brick, sand, concrete, equipment, soil or other materials which may impede the free passage of water, air and nutrients to the roots of any vegetation growing thereon without a written permit from the appropriate Municipal Department; and,

- ii) Lands acquired for Park purposes may retain their existing land use until Council is able to proceed with the comprehensive development of consolidated Park sites.

5.3 Priorities for Parkland acquisition will be based on:

- i) Existing and proposed population densities;
 - ii) Existing facilities and their accessibility to the Neighbourhood residents;
 - iii) The availability of funds for acquisition;
 - iv) The availability of land on the open market; and,
 - v) The necessity to expropriate based on time limitations to available acquisition funding.
- 5.4 Where new development is proposed, Hazard Lands will not be acceptable as part of the 5% dedication for Parks purposes as permitted under The Planning Act.
- 5.5 Where feasible and deemed appropriate, Council will acquire Parklands or established recreational rights-of-way along water courses.
- 5.6 Municipal Parks and passive Open Spaces will generally be acquired as far ahead of development as possible, provided that the design of the surrounding area ensures the integration of Park or Open Space with other Community Services associated with the Neighbourhood.
- 5.7 Where feasible, new Parkland will be acquired in concert with the acquisition programs of the School Boards so that a complementary integration of facilities may be attained.
- 5.8 The detailed design of Neighbourhood Parks will be prepared after the boundaries of the lands dedicated are known so that any landscaping and grade modifications may be co-ordinated to the advantage of both the City and the developer.

SUBSECTION D.6 - OFFICIAL PLAN AMENDMENTS AND REVIEWS

While it is not the intent to amend this Plan frequently, it is recognized that some circumstances will require this and in any case, it must be REVIEWED on a regular and on-going basis. A major revision at five-year intervals will be carried out, supplemented by an annual update of information on certain elements of this Plan. As well, it is the intent of this Plan to ensure that those affected by any proposed amendments or changes to this Plan are made aware of the proposals and are provided with the opportunity to express their views and/or objections.

- 6.1 This PLAN has been formulated so as to require REVIEW at regular intervals as follows:
 - i) A major REVIEW will be carried out at five-year intervals;
 - ii) An annual REVIEW will be made to incorporate new information as it becomes available and minor changes not requiring AMENDMENT or permitted through the Interpretation clause will be consolidated in the PLAN at that time;
 - iii) AMENDMENTS will be required when a major change to a land-use designation or a major public work is proposed that does not conform to the policies herein or any other major change that is proposed to the policies of this PLAN: and,
 - iv) For the purposes of maintaining conformity, AMENDMENTS will be required when major revisions are made to the Regional Official Plan which have a direct bearing on the planning of Hamilton.
- 6.2 Council will promote the active participation of the citizens of the City of Hamilton in the implementation of the policies of this Plan and any subsequent AMENDMENTS, and will provide opportunities for such participation.

SUBSECTION D.7 - GOVERNMENTAL ASSISTANCE

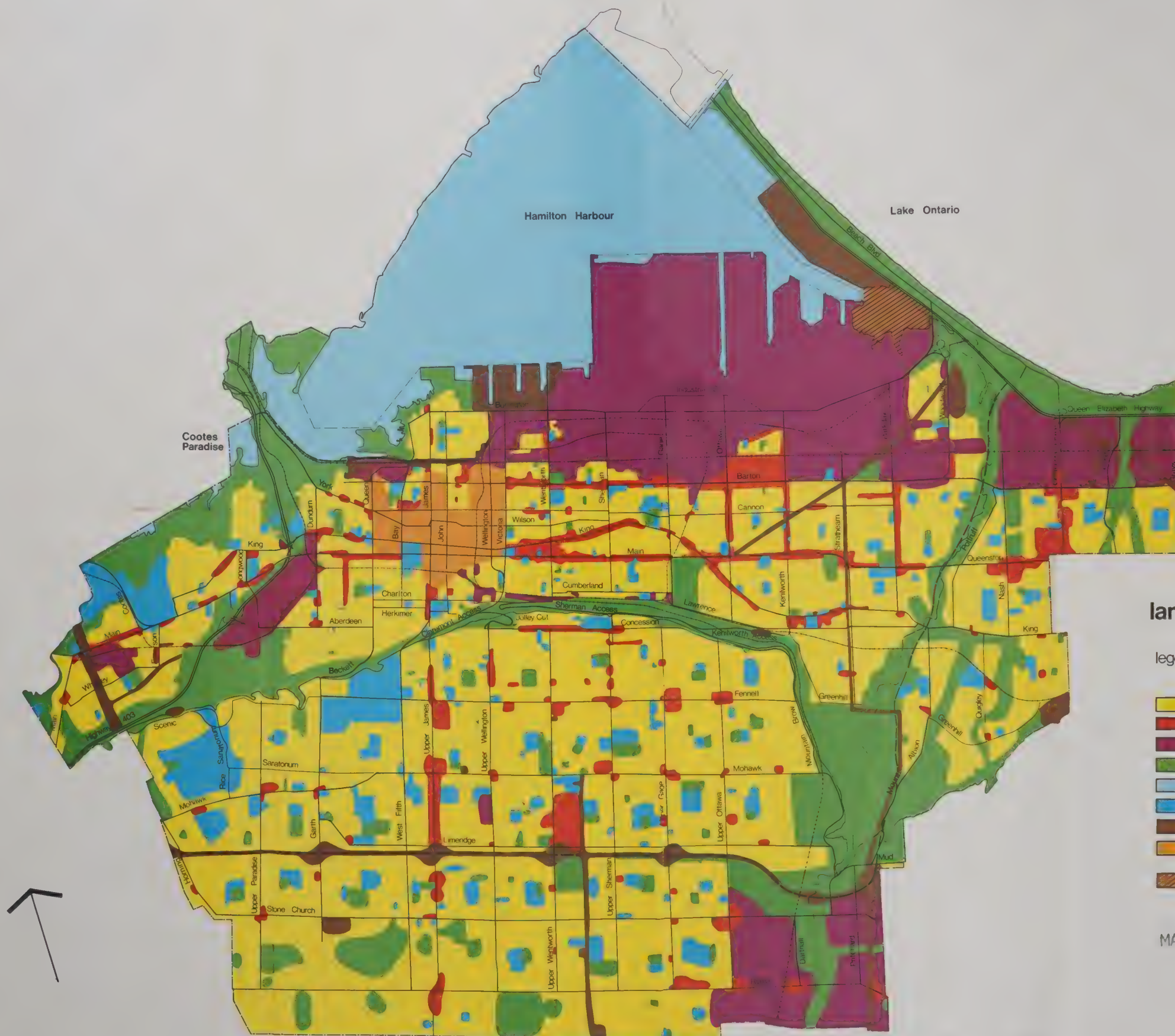
Implementation of the general intent and objectives of this Plan will, in part, be dependent upon the availability and application by both public and private enterprise, of the various GOVERNMENTAL and funding opportunities available.

- 7.1 Council, in co-operation with local agencies, will investigate the availability of Provincial and Federal ASSISTANCE and funding programs which may, from time to time, be instituted which will assist in the realization on any aspect of this Plan. Where appropriate, Council may make, and/or will encourage private enterprise to make, application for relevant funding under such programs.
- 7.2 Where difficulty is experienced by a developer in assembling land for a development or redevelopment which is encouraged in, or would further the intent of, this Plan, Council may, if requested, offer its ASSISTANCE and:
 - i) May act as an intermediary through the use of its good offices to secure the voluntary co-operation of all parties necessary to bring the proposed development or redevelopment to fruition;
 - ii) Where redevelopment is clearly in the best interests of the citizens of Hamilton, but would otherwise fail to materialize, Council may designate the area as a redevelopment area as provided by The Planning Act and may assemble the necessary land or carry out such other action as may be necessary to bring the proposed development to fruition; and,
 - iii) Where such a development is clearly in the interest of all citizens of the Region but which would otherwise fail to materialize, Council may request the ASSISTANCE and co-operation of other levels of GOVERNMENT in any action as may be necessary to bring the proposed development to fruition.

SUBSECTION D.8 - INTERPRETATION

For the administration and Implementation of this Plan, the activities of the City, the Region and the Province of Ontario and all other affected public agencies should be co-ordinated and unless special circumstances prevail which would make alternative arrangements expedient, the Planning and Development Committee and Council will be the co-ordinating agency.

- 8.1 Adoption of this Plan will be evidence that Council has undertaken to abide by the Plan and implement its provisions. More particularly:
 - i) No public works will be undertaken that do not conform with the intent of this Plan;
 - ii) No by-laws or other regulations will be adopted or imposed that are contrary to the intent of this Plan; and,
 - iii) The Municipal Budget and Five-Year Capital Budget forecast will be drawn up to recognize the provisions of this Plan.
- 8.2 The boundaries between the classes of land use designated on Schedule "A", as well as any other boundaries indicated on Schedules "B", "C" and "D" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Restricted Area (Zoning) By-law without the necessity of further amending the Official Plan so long as such by-laws conform to the general intent and purpose of this Plan.
- 8.3 Council will give very careful attention to proposed developments in adjacent Municipalities and will object to any that would appear to pre-judice the sound planning of the City as set out in this Plan.
- 8.4 This Plan does not prohibit or otherwise attempt to regulate the use of land by the Hamilton Harbour Commissioners for bona fide shipping and navigation purposes.
- 8.5 Any Restricted Area (Zoning) By-laws implementing this Plan will contain a provision that accepts the development of land for bona fide shipping and navigation purposes by the Hamilton Harbour Commissioners.



land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- special policy area: central policy area
- special policy area: windermere basin

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schedule A

to the official plan
for
the city of hamilton





special policy areas

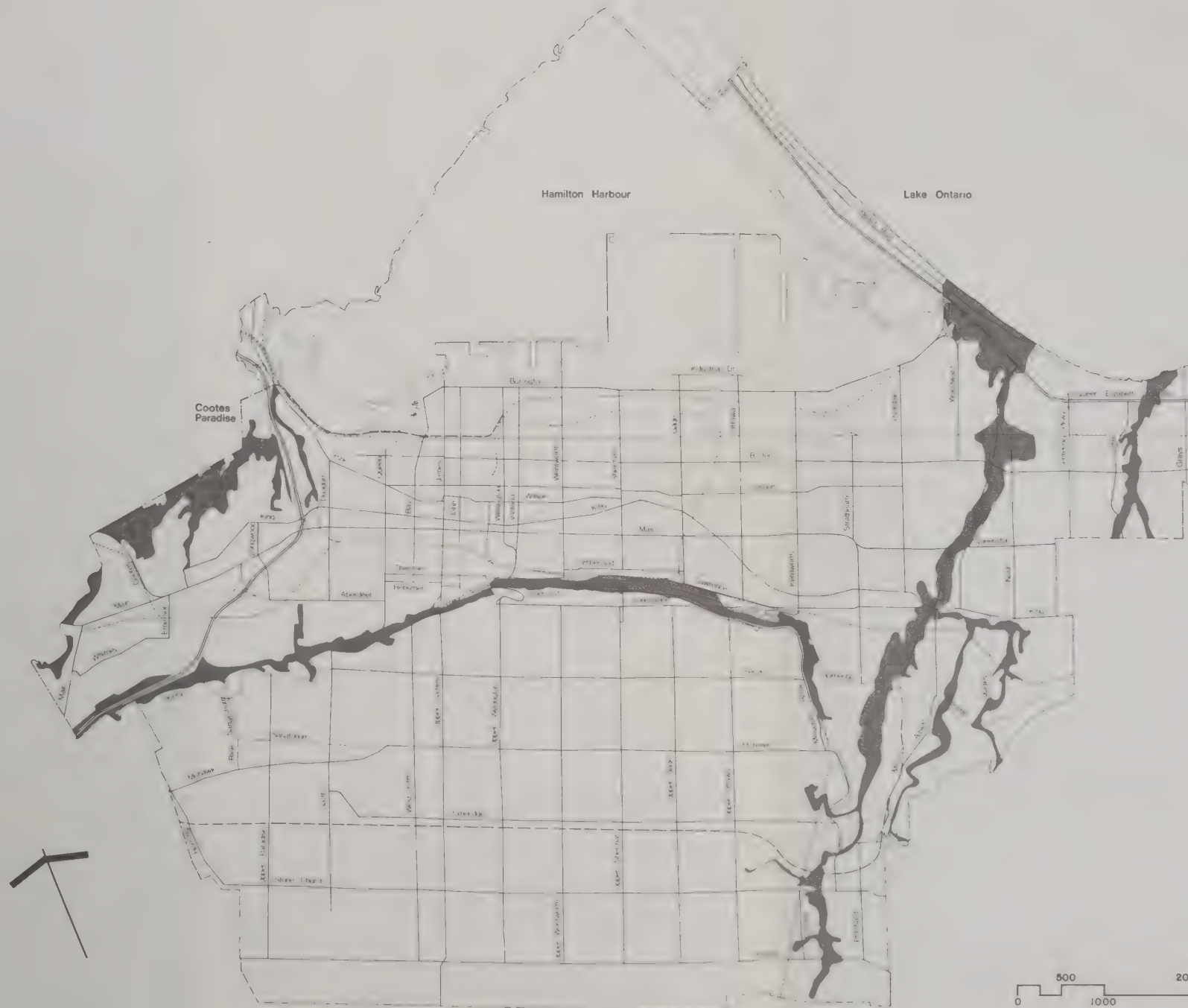
legend

 special policy areas



schedule B

to the official plan
for
the city of hamilton



hazard lands

legend

 hazard lands

schedule C

to the official plan
for
the city of hamilton

environmentally sensitive areas

legend

- 1 royal botanical gardens, cootes paradise
- 2 hamilton mountain (radial line)
- 3 hamilton niagara escarpment
- 4 red hill creek, kings forest
- 5 ancaster creek headwater
- 6 red hill creek marsh van wagners marsh
- 7 felkers falls & niagara escarpment



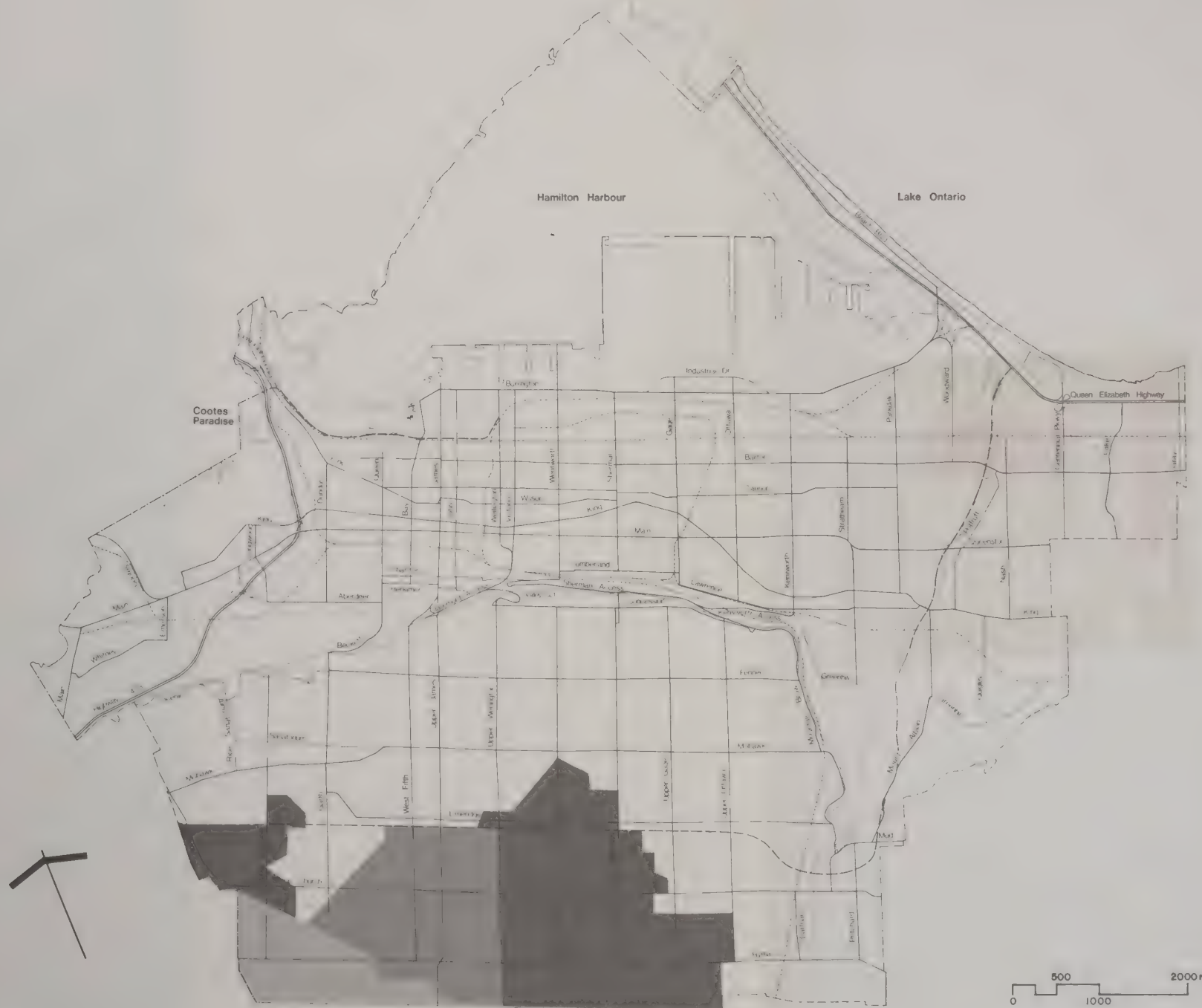
schedule D

to the official plan
for
the city of hamilton

staging of development

legend

-  stage 1
-  stage 2
-  stage 3



0 500 1000 2000 m
scale

schedule E

to the official plan
for
the city of hamilton

major roads

legend

-  inter-regional highway
-  arterial roads
-  proposed arterial roads
-  other roads
-  roads with designated rights-of-way

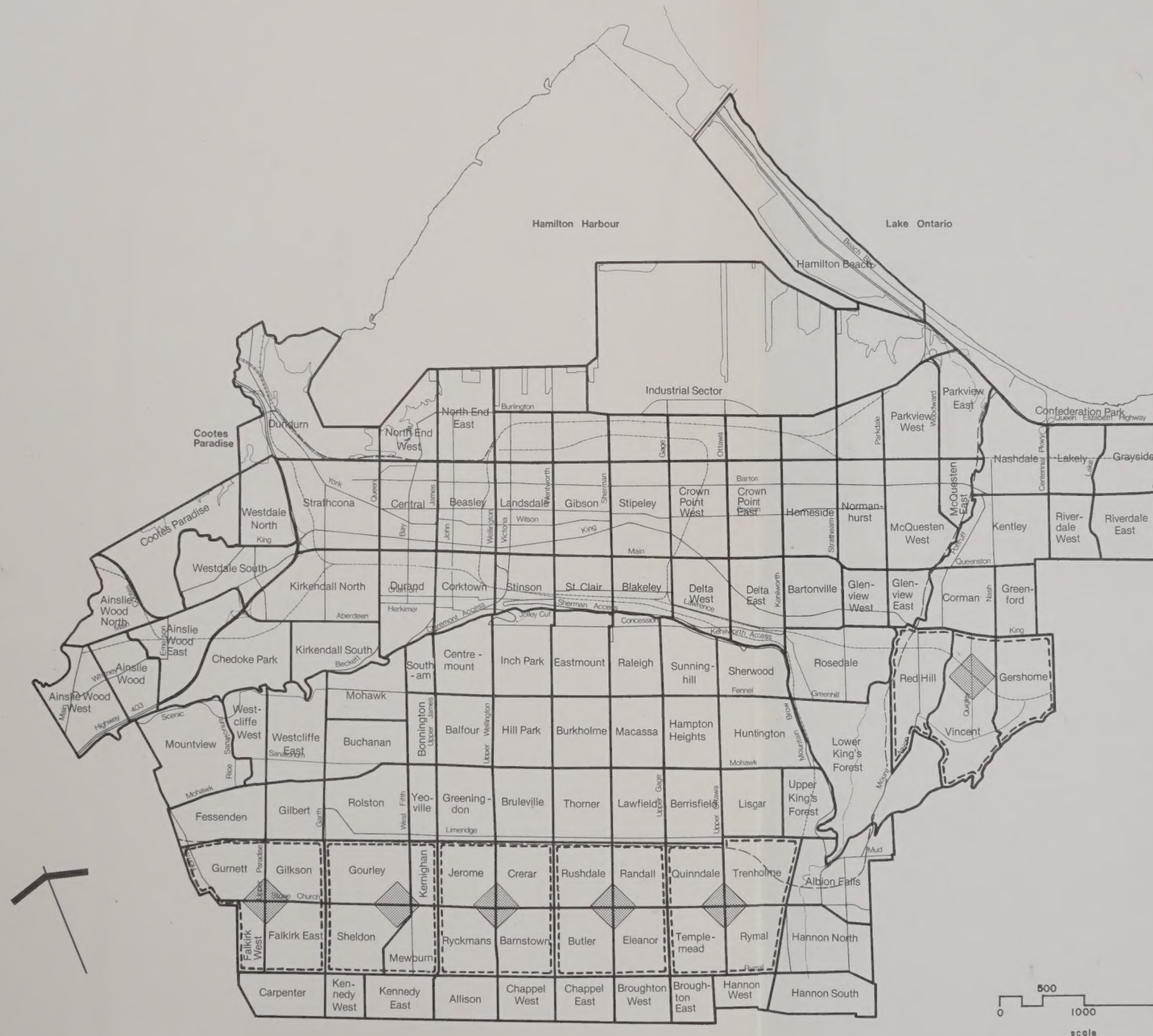


schedule F

to the official plan
for
the city of hamilton

planning units

- neighbourhood name & boundary
- - - community boundary
- ◆ multi center



schedule G

to the official plan
for
the city of hamilton

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